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FOR BETTER RELATIONS WITH OUR  
LATIN AMERICAN NEIGHBORS

[PARA EL FOMENTO DE NUESTRAS BUENAS  
RELACIONES CON LOS PUEBLOS  
LATINOAMERICANOS]

A JOURNEY TO SOUTH AMERICA  
[VIAJE A LA AMÉRICA DEL SUR]

**PART I**

ENGLISH VERSION

[Parte I. Versión Inglesa]



Carnegie Endowment for International Peace

DIVISION OF INTERCOURSE AND EDUCATION

Second edition of Publications Nos. 7 and 8

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FOR BETTER RELATIONS WITH OUR  
LATIN AMERICAN NEIGHBORS

A JOURNEY TO SOUTH AMERICA

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BY

ROBERT BACON

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WASHINGTON, D. C.

1916

Monograph

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MAY 22 1916

THE EVENING POST JOB PRINTING OFFICE, INC., NEW YORK CITY,  
NEW YORK.

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no. 1.



## *Preface*

No small part of the work of the Division of Intercourse and Education of the Carnegie Endowment for International Peace is done through the medium of international visits by representative men. Experience has already confirmed the reasonable assumption that such visits are useful, and in high degree helpful, in building up a spirit of international friendship and in developing international understanding. A careful reading of Mr. Robert Bacon's Report of the details of his trip to South America in the summer and autumn of 1913 will show precisely how such visits as his contribute to the peace and good order of the world. National ideals and national policies are carefully and sympathetically explained, not only to leading personalities in the countries visited, but also to large and representative audiences of teachers, merchants and men of affairs. The newspaper press is almost uniformly interested and helpful on occasions of this kind, and the visitor of distinction and of public service at home is made cordially and warmly welcome.

It is in high degree important to multiply such visits on the part of representative men in the various American republics. The barrier of language will be broken down, or surmounted, as a knowledge of English becomes more widespread in the South American countries, and as the ability to read, to speak and to write Spanish increases in the United States. Bonds of a common interest in finance and in commerce are already being forged between the peoples of the several American republics. These bonds will be followed and strengthened by others in due time. There will thus be developed a genuine American public opinion and a genuine American understanding and point of view, that will be common alike to the people of the United States and to those of the other republics to the south.

The first edition of Mr. Bacon's Report was published in two volumes, one in English and the other in Spanish, Portuguese and French. This edition now being exhausted, and the demand for the publication continuing, a second edition is published, in which the two versions are combined in one volume.

NICHOLAS MURRAY BUTLER,  
*Acting Director.*

APRIL 10, 1916.



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FOR BETTER RELATIONS WITH OUR  
LATIN AMERICAN NEIGHBORS

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A JOURNEY TO SOUTH AMERICA

### *Note*

In this account of a visit made to South America in the fall of 1913, as the representative of the Carnegie Endowment for International Peace, upon the invitation of Dr. Nicholas Murray Butler, Director of the Division of Intercourse and Education, it has seemed well, for the sake of the record, to begin with the letter of instructions addressed to me by the Honorable Elihu Root, President of the Endowment, an editorial from the *American Journal of International Law*, commenting on the objects of the mission, and my brief letter to the Trustees upon my return, reporting what had been done. These are followed by a more detailed narrative account of the visit in each capital, another editorial from the *American Journal of International Law* discussing the results of the mission, and, in conclusion, an interview reporting some impressions of what had been seen and heard on the journey. In the Appendices will be found copies of addresses, letters, and drafts, or diseños, of addresses which were either delivered or published as articles in South American reviews.

ROBERT BACON.

NEW YORK, June, 1914.

## INTRODUCTION

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### *President Root's Letter of Instructions*

WASHINGTON, D. C., July 20, 1913.

HON. ROBERT BACON.

*Sir:*

I beg to confirm your appointment, by formal action of the Carnegie Endowment for International Peace, as the representative of the Endowment to visit South America at such time as you shall determine upon during the present year. The object of this mission, which you have already gratified us by promising to undertake, is to secure the interest and sympathy of the leaders of opinion in South America in the various enterprises for the advancement of international peace which the Endowment is seeking to promote, and by means of personal intercourse and explanation to bring about practical coöperation in that work in South America. You are already aware, and will readily make plain to our friends in South America, that Mr. Carnegie has placed in the hands of trustees the sum of ten million dollars, the income of which is to be devoted by them to the promotion of international peace. The trustees, upon consideration of the way in which they should seek the end for which the trust was established, formulated the following statement of specific objects to which the income of the trust should be devoted.

(a) To promote a thorough and scientific investigation and study of the causes of war and of the practical methods to prevent and avoid it.

(b) To aid in the development of international law, and a general agreement on the rules thereof, and the acceptance of the same among nations.

(c) To diffuse information, and to educate public opinion regarding the causes, nature, and effects of war, and means for its prevention and avoidance.

(d) To establish a better understanding of international rights and duties and a more perfect sense of international justice among the inhabitants of civilized countries.

(e) To cultivate friendly feelings between the inhabitants of different countries and to increase the knowledge and understanding of each other by the several nations.

(f) To promote a general acceptance of peaceable methods in the settlement of international disputes.

(g) To maintain, promote, and assist such establishments, organizations, associations, and agencies as shall be deemed necessary or useful in the accomplishment of the purposes of the corporation, or any of them.

To accomplish these objects the work of the trust has been organized in three divisions: (1) the Division of Intercourse and Education, of which Dr. Nicholas Murray Butler, President of Columbia University, is Acting Director; (2) the Division of Economics and History, of which Dr. John Bates Clark is Director; (3) the Division of International Law, of which the Secretary of the Endowment, Dr. James Brown Scott, is Director. The various objects above enumerated have been appropriately assigned to these three divisions. The methods and details of activity on the part of each of the divisions you will find indicated in a series of monographs, which will be handed to you herewith. From these you will perceive two things: first, that it is the purpose of the trustees, not that the trust organization shall become a missionary seeking to preach the gospel of peace or directly to express its own ideas to the world, but rather to promote and advance in each country and in all countries the organization and activity of national forces in favor of peace. It is not so much to add a new peace organization to those already existing in the world as it is to be a means of giving renewed vigor to all the activities which really tend in a practical way towards preventing war and making peace more secure. Second, that in aid of the work of each of these three divisions an extensive and effective organization has been perfected in Europe as well as in America, including a great number of the most eminent and highly respected statesmen, publicists, and leaders of modern thought.

The respect and friendship which the trustees of the Endowment entertain for the peoples of Latin America and for the many distinguished Latin Americans with whom many of the trustees have most agreeable relations of personal friendship, lead us to desire that the work of the Endowment may have the same active and useful coöperation in South America that it has already secured in Europe. For this purpose we should be glad to have you make to the gentlemen whom you meet in the South American capitals a full and thorough explanation of the history and purposes and methods of the Endowment.

You will observe that one of the means by which the Division of Intercourse and Education proposes to advance international good understanding is a series of international visits of representative men. Accordingly, under the auspices of the Division, directly or indirectly, Baron d'Estournelles de Constant of France, the Baroness von Suttner of Austria, and Professor Nitobe of Japan have already visited the United States, and President Eliot of Harvard University has visited India, China, and Japan, and Dr. Hamilton Wright Mabie is now



in Japan. Your visit to South America comes in this category, but it has a more definite and specific purpose than any of the other visits which I have enumerated or which are contemplated under the head that I have mentioned; for it is not merely to strengthen good understanding by personal intercourse between a representative North American and representative South Americans, but it is also to introduce to representative South Americans personally the work and purposes and ideals of the Endowment, and to invite our friends in South America to cordial and sympathetic union with us in promoting the great work of the trust.

It is not expedient or desirable in advance of your visit to be too specific regarding the scope and method of coöperation which may be possible with our South American friends, but you will readily observe in the monographs handed to you a number of ways in which such coöperation may be accomplished with but little delay. For example: (a) the formation of national societies of international law to be affiliated with the American Institute of International Law; (b) the presentation to the different governments of the opportunity to participate in the proposed Academy of International Law at The Hague by providing for the sending on the part of each government of a representative student to that academy, if organized. You will notice that the organization of such an academy to bring together students from the whole world under the leaders of thought in international law each summer depends very largely upon the question whether the governments of the world feel the need of such an institution sufficiently to give it their formal support by sending a representative student. (c) The appointment of national committees for the consideration of contributions to the program of the next Hague Conference and making arrangements for the intercommunication of such committees among all the American countries. (d) The establishment of national societies for international conciliation to be affiliated with the parent Association for International Conciliation at Paris. (e) To arrange for systematic furnishing of data for the work of the Division of Economics and History in accordance with the program laid down at Berne by the congress of economists in the summer of 1911. You will observe that Dr. Kinley, who was appointed a member of the Committee of Research with special reference to South America, will follow you in a visit to South America within a short period, and will suggest specifically the things that can be done in aid of the researches of this division. Your office in this respect should be to prepare the way for Dr. Kinley's reception and coöperation with him.

The trustees of the Endowment are fully aware that progress in the work which they have undertaken must necessarily be slow and that its most substantial results must be far in the future. We are dealing with aptitudes and impulses firmly established in human nature through the development of thousands of years, and the utmost that any one generation can hope to do is to promote the gradual change of standards of conduct. All estimates of such a work and its results must be in terms not of individual human life, but in terms of the long life of nations. Inconspicuous as are the immediate results, however, there

can be no nobler object of human effort than to exercise an influence upon the tendencies of the race, so that it shall move, however slowly, in the direction of civilization and humanity and away from senseless brutality. It is to participate with us in this noble, though inconspicuous, work that we ask you to invite our friends in South America with the most unreserved and sincere assurances of our high consideration and warm regard.

Very faithfully yours,

ELIHU ROOT,  
*President.*

*Editorial from The American Journal of International Law,*

JULY, 1913

Announcement has been made by the Carnegie Endowment for International Peace that the Honorable Robert Bacon, formerly Secretary of State and American Ambassador to France, will make a visit under its auspices to South America during the coming fall. The specific objects of Mr. Bacon's visit have not yet been made public, but the general object of the mission is stated to be to secure the interest and sympathy of the leaders of opinion in South America in the various enterprises for the advancement of international peace which the Endowment is seeking to promote, and by means of personal intercourse and explanation to bring about the practical coöperation of South America in that work.

The aims and purposes of the Carnegie Endowment have already several times been commented upon in the columns of this JOURNAL. In the issue of January, 1911, we printed Mr. Carnegie's letter, which accompanied the deed transferring the bonds, in which Mr. Carnegie stated his reasons for establishing the trust, and in the issue of April, 1911, the permanent organization effected by the Trustees and the specific purposes to which they would devote the income from the trust were stated. In the following number we printed an address of Dr. Nicholas Murray Butler, a member of the Board of Trustees and of the Executive Committee of the Endowment, delivered at the opening of the Lake Mohonk Conference on May 24, 1911, in which he explained the division of the Endowment's work into three general departments, the Divisions of Intercourse and Education, Economics and History, and International Law, and stated what the Trustees hoped to accomplish in each division.

The Year Books issued by the Endowment for 1911 and 1912 supply the details of the work being done in each of these divisions, and some idea may be obtained from them of the enterprises which the Endowment might hope to extend to South America as the result of Mr. Bacon's visit.

In the Division of Intercourse and Education there has been appointed a corps of correspondents and an advisory council for Europe and Asia composed of prominent and influential men in the different countries. No provision for such an organization for Latin America seems yet to have been made, and the extension of the European organization to those countries would seem to be a prime object of Mr. Bacon's visit. There is also reference in the Year Books to an educational exchange with Latin America, including not only an exchange of professors, but also an exchange of students. It appears from the last Year Book that the educational exchange with Japan has already been successfully carried out by the visit to the United States during 1911-1912 of the well-known Japanese educator, Dr. Inazo Nitobe, and the return visit to Japan during the

present year of Dr. Hamilton W. Mabie; but it does not appear to have been practicable so far to bring about such an exchange with Latin America, although provision for it has been made each year by the officers and Trustees. It was planned to put the exchange with Latin America into operation during the year 1912, and arrangements were begun for the visit to the United States of Dr. Luis M. Drago, formerly Minister of Foreign Affairs for the Argentine Republic, but the state of Dr. Drago's health was such that the plan could not be consummated. Perhaps the presence of Mr. Bacon in South America will be utilized to arrange a definite program for carrying out this project.

Another project reported under this Division is the scheme for international visits of representative men. Such visits have already been inaugurated with Asia by the recent trip of Dr. Charles W. Eliot, and with Europe by the visit of Baron d'Estournelles de Constant and several other eminent Europeans to the United States. The trip of Mr. Bacon is evidently the first step in such an interchange of visits with Latin America. This Division seems also to be particularly interested in the extension of branches of the Association for International Conciliation, which has its headquarters in Paris and a strong branch in New York City. In this connection it is interesting to note that if the recommendations of the Acting Director of the Division of Intercourse and Education are followed by the Trustees, it is likely that the Endowment will rely more upon this form of propaganda in the future, as distinct from the work of peace societies which have heretofore been generally the agents of popular propaganda in the peace movement. The following extract from the report of the Acting Director to the Executive Committee, dated November 16, 1912, shows the clear distinction between the two forms of organization and the separate fields of activity of each:

The Acting Director is entirely clear in the opinion formed as a result of two years of study of conditions which prevail both in European countries and in the United States, that the work of propaganda in support of the ends which the Endowment has been established to serve, can be carried on most effectively and economically not through peace organizations alone, but through organizations having a broader scope and making a wider appeal. Those persons who become members of a society whose name indicates that it is devoted to peace, are already converted. In every nation in the world there are hosts of right-thinking and well-minded men and women who, while wholly unwilling to affiliate themselves with any peace society, are ready and anxious to assist in the work of promoting better international understandings and closer international relationships from which peace will result as a by-product. The function of the peace societies is a distinctive and very important one. They may well form a compact and effective body of workers in the cause of international peace and arbitration, who constitute as it were the advance guard of the great army which it is hoped can be recruited and brought into active service. In the present state of public opinion throughout the world, the best use which the Carnegie Endowment can make of such portion of its funds as can be devoted to the work of active propaganda, is to build up and support organizations which give evi-

dence of a willingness and a capacity to promote closer international relations, to advance the knowledge on the part of each civilized people of its fellows, and to multiply the ties of friendship and concord between the great nations of the earth. Among these organizations peace societies will of course be found, but it would not be judicious to entrust the whole work of propaganda to them.

Societies of international conciliation have recently been started in Germany, Great Britain and Canada, and steps are being taken to organize an association of this kind in Argentina. It may be feasible for Mr. Bacon on his forthcoming trip to suggest the establishment of such organizations in the other countries which he will visit.

Perhaps the most far-reaching and important work the Endowment is doing is that which is being conducted under the Division of Economics and History. A full account of the work of this Division and of the conference of economists held under its auspices at Berne in 1911 for the purpose of devising a plan of inquiry and investigation is contained in the editorial columns of this JOURNAL for October, 1911, p. 1037. There is also printed therein the full program recommended by that conference. It appears from the reports of the Director of this Division that the members of the Conference of Berne have since been formed into a permanent Committee of Research to supervise the actual work of investigation, which is entrusted to collaborators able to devote a large portion of their time to the work and to put the results in form suitable for publication. An American economist having unusual familiarity with South American conditions and large attainments in economic science, both theoretical and practical, Professor David Kinley of the University of Illinois, has been added to the Committee of Research, and he has planned a line of research having its field in South America. Mr. Bacon will probably find the occasion opportune to explain the work of this Division and to invite the aid and coöperation of the economists of South America in extending to these countries the program of studies outlined by the Conference at Berne.

The JOURNAL has likewise had occasion to comment on the organization and projects of the Division of International Law. In the number for October, 1912, an editorial comment explained the relations which had been established between the Institute of International Law and the Division of International Law of the Endowment, under which the former has accepted the title and performs the functions of General Legal Adviser of the Division. In the same issue there was a comment upon the organization of the American Institute of International Law, and further comment and information concerning this project was given in an editorial in the January number for 1913. The field of usefulness of the European Institute to the Endowment seems to be limited to the Eastern Hemisphere, and if it is the intention of the Trustees to secure a similar advisory body for Latin America, the proposed American Institute would seem to be an admirably constituted body to perform these functions, and it has the advantage of

being already in existence, and will no doubt be willing to follow the example of its distinguished European prototype and enter into similar arrangements with the Division of International Law.

Unlike the European Institute, a feature of the American Institute requires the establishment of national societies of international law. Mr. Bacon's visit could not only, therefore, be utilized to accelerate the organization of the Institute in those countries of South America which may not have progressed so far as others in this organization, but also to suggest and aid in the formation of national societies of international law to be affiliated with the Institute in accordance with the plan already outlined in the previous issues of the *JOURNAL* above referred to.

Another project of the Division of International Law in which Mr. Bacon could be particularly useful is the proposed Academy of International Law at The Hague. This proposal is briefly outlined in a comment in the January, 1912, number of the *JOURNAL* at p. 205. It appears from the report of the Director of the Division of International Law, dated October 26, 1912, that before committing itself definitely to the support of such an Academy, the Executive Committee of the Endowment wishes to be assured that the Academy is approved generally by the countries represented at the Second Hague Conference, and that, if established, these countries will aid and assist in securing a student body who, after having taken the courses at the Academy, will occupy such positions in their country as to make their influence felt in matters pertaining to international relations. It is explained that by this is meant students drawn from the different branches of the government service, such as the diplomatic and consular services, and the military, naval and civil establishments. The successful operation of such an arrangement necessarily requires the cordial sympathy and support of the South American countries, and Mr. Bacon's former high position in the Government of the United States will doubtless make it possible and proper for him to broach this subject to the high officials whom he will meet in the countries visited and to secure if possible their assurance of coöperation.

Mr. Bacon is now in the Philippine Islands, and the details of the itinerary which he will follow in South America have not been published. It is expected, however, that he will return from the Orient by way of Europe, will sail from Lisbon about the middle of September, and will return to New York before Christmas. He will visit as many countries on the eastern and western coast of South America as his limited time will permit.

Mr. Bacon will be the first American statesman to visit South America since the memorable visit of Senator Elihu Root, then Secretary of State of the United States. Mr. Root's trip was such a success in the good results accomplished and in the ties of friendship and good will resulting from it, that it is hardly to be expected that Mr. Bacon, traveling as he is in a private capacity, will attain such marked results. If he succeeds, however, in small measure, in awakening the sentiments which were expressed to Mr. Root on every hand, and if he spreads the gospel of good will and friendship, of good understanding and conciliation, of jus-

tice and of peace, which it seems to be the desire and purpose of the Carnegie Endowment to spread to South America, as it has done, and is doing, in North America, Europe and Asia, his mission will have been an unqualified success and the Trustees of the Endowment which sent him will have just cause for congratulations for this enlargement and extension of their field of activity.

## *Mr. Bacon's Preliminary Report*

---

TO THE BOARD OF TRUSTEES OF THE  
CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE.

SIRS:

I have the honor to inform you that, in pursuance of the letter of instructions of the Honorable Elihu Root, dated July 20, 1913, and delivered to me in Paris on September 14th by Dr. James Brown Scott, I have completed a visit to South America undertaken as the representative of the Carnegie Endowment for International Peace.

After a week spent in Paris in the preparation of material with the generous and invaluable assistance of Dr. Scott and Señor Alejandro Alvarez, I proceeded to Lisbon, sailing from that port on September 23rd for Rio de Janeiro, accompanied by my wife and daughter, Judge Otto Schoenrich and Mrs. Schoenrich and Mr. William R. Hereford.

While in South America I visited the capitals of Brazil, Argentina, Uruguay, Chile and Peru. The inaccessibility of the capitals of the other Republics and the lack of satisfactory steamship and railway connections, made it impossible to extend this itinerary in the time at my disposal.

The universal admiration and respect in South America for the President of the Endowment, Mr. Root, the affectionate regard of his many friends in these countries, assured for me, as the bearer of his letter of instructions, the most cordial reception. In every country which I visited the leaders of opinion testified in public addresses and in personal conversations to the high esteem in which the President of your Board is held in South America, and expressed their earnest desire to coöperate with him and his fellow-trustees in the work of the Endowment.

In the countries mentioned I met the representative men, and by means of addresses, interviews and personal intercourse, was able to introduce to them the work and purposes and ideals of the Endowment.

In Rio de Janeiro addresses were delivered at the Public Library, under the auspices of the Brazilian Academy and the Institute of the Order of Advocates, and at the American Embassy; in Montevideo, at the Ateneo, under the auspices of the University; in Buenos Aires, before the Faculty of Law of the University; in Santiago, at the University of Chile; in Lima at the University of San Marcos, and before the Colegio de Abogados.



I shall submit later, in the language in which they were delivered, copies of the principal addresses and of remarks made upon other public occasions; also a collection of the principal articles appearing in the press.

Year Books of the Endowment and printed pamphlets, some of which were for publication in newspapers and reviews, were distributed among the representative South Americans. Copies of these pamphlets, which were descriptive of activities in which the Endowment is directly or indirectly interested, will be included in a subsequent report.

On every side the invitation to our friends in South America to cordial and sympathetic union with the Trustees in the various enterprises which the Endowment is seeking to promote, met with enthusiastic response.

The proposed exchange of visits of representative men was most heartily approved and might be put into execution without delay. The exchange of professors and students met with cordial approval. The time seems ripe to take up the question of the exchange of professors, and I feel sure that whenever the Trustees are prepared to make a definite proposal regarding the exchange of students they will find a willing coöperation in the five Republics which I visited.

It was my good fortune to be in Lima while the Pan-American Medical Congress was in session, and at the opening meeting of that body of scientists, to hear one of the speakers, Dr. Cabred, refer with appreciation to the work of the Carnegie Endowment for International Peace. I was deeply impressed by the fact that these men, gathered together from the American republics for a common, humanitarian purpose, well represented the "international mind," and I took the liberty of suggesting to the President of the Congress, Dr. Odriozola, the possibility of selecting from the Congress representatives who might be willing to visit the United States in connection with the exchange of visits proposed by the Endowment.

The way has been prepared for the formation of national societies for conciliation to be affiliated with the Associations for International Conciliation in Paris and New York. In Rio de Janeiro, Senhor Helio Lobo; in Buenos Aires, Señor Benjamin García Victorica; and in Lima, Dr. Juan Bautista de Lavalle, have accepted the position of Honorary Secretary.

Societies of International Law to be affiliated with the American Institute of International Law, have either been actually formed or are in process of formation in Rio de Janeiro, Buenos Aires, Montevideo, Santiago and Lima.

I had the honor of presenting to the Governments of the countries which I visited the opportunity to participate in the proposed Academy of International Law at The Hague, and of calling their attention to the necessity of appointing national committees for the consideration of contributions to the program of the next Hague Conference and making arrangements for the intercommunication of such committees among all the American countries.

The representatives of the several Governments with whom I talked were receptive without exception. The proposed Academy of International Law at

The Hague made an immediate appeal to their sympathy and interest and they also expressed their appreciation of the importance of the early appointment of national committees to discuss contributions to the program of the next Hague Peace Conference.

In all the principal addresses I took the opportunity to describe the work of the Division of Economics and History of the Endowment, and to bespeak for it the assistance of our friends in South America in arranging for the systematic furnishing of data in accordance with the program laid down at Berne. Special attention was called to the forthcoming visit to South America of Dr. Kinley as the representative of the Division.

In every capital distinguished men gave their sympathetic, unflinching and invaluable coöperation and assistance. These men devoted their time and thought with the utmost willingness. Through their efforts I was afforded the necessary opportunities to make to the leaders of opinion in South America full and thorough explanations of the history and purposes and methods of the Endowment.

Through the courtesy of the Ministers of Foreign Affairs for their respective countries I had the privilege of audiences with President Hermes da Fonseca, of Brazil; President Batlle y Ordóñez, of Uruguay; Vice-President de la Plaza, of the Argentine Nation, President Saenz Peña being absent from the capital because of illness; President Barros Luco, of Chile, and President Billinghurst of Peru.

Particular acknowledgment should be made also of the valuable assistance and coöperation received from the diplomatic representatives of our own country. Mr. Edwin Morgan, our Ambassador in Rio de Janeiro, and the Secretary of Embassy, Mr. Butler Wright; Mr. Garrett, the American Minister in Buenos Aires, and the Military Attaché, Major Shipton; Mr. Grevstad, the American Minister in Montevideo; Mr. Harvey, Chargé d'Affaires in Santiago, and the Military Attaché, Captain Biscoe; Mr. Benton McMillin, the American Minister in Lima, and Mr. Pennoyer, the Secretary of Legation, all personally devoted a great deal of their time and attention to furthering the objects of my visit. I cannot express my gratitude for their hospitality and for their advice and assistance.

At a later date I shall make a full report of my visit to South America. In presenting this brief summary permit me to renew the assurances of my high appreciation of the honor conferred upon me by the Trustees in appointing me as their representative to visit South America.

Respectfully submitted,

ROBERT BACON.

December 24, 1913.

## *For Better Relations with Our Latin American Neighbors*

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### I. PRELIMINARY OBSERVATIONS

In a letter to the Trustees of the Carnegie Endowment for International Peace I reported very briefly the principal matters of interest in a journey to Brazil, Argentina, Uruguay, Chile and Peru, undertaken as the representative of the Carnegie Endowment for International Peace, in pursuance of an invitation received, under date of April 1, 1913, from Dr. Nicholas Murray Butler, director of the Division of Intercourse and Education, and a letter of instructions, dated July 20, 1913, from the Honorable Elihu Root, the President of the Endowment.

In this more detailed account of the journey I have tried to tell in narrative form just what was done in each city, for in that way, perhaps, better than in any other, it is possible to give an impression of the extreme kindness of the reception which was everywhere extended to me, as the representative of the Carnegie Endowment for International Peace, and of the cordial sympathy and interest manifested on every side in the work and purposes of the Endowment. The friendly attitude of the press in all the countries which I visited, the extreme courtesy of the various governments, the spontaneous approval of the leaders of opinion as expressed in letters and telegrams and personal interviews, and the manifest cordiality of the people, afford convincing proof that the Trustees will find in South America a valuable and energetic coöperation in the noble work upon which they are engaged.

Reference is made to many persons who were most helpful to me. The record is by no means complete, but in another place I have mentioned more fully those in official and unofficial life to whom I have been chiefly indebted for aid, advice and information, trying to express at the same time something of my deep sense of obligation and gratitude toward them.

By history even more than by nature the countries of the North and South American continents are bound closely together.

At all times since the revolt of the South American colonies from Spain at the beginning of the last century, there have been distinguished leaders in public affairs in this country who have voiced the friendship of the United States for the nations to the south of us. Henry Clay, as early as 1816 (in a speech on the Lowndes Bill to reduce the direct taxes imposed during the war of 1812), foreshadowed the possibility of our aiding the Spanish American colonies in their struggle for independence. In 1818, in one of his most brilliant arguments, advocating "that our neutrality be so arranged as to be as advantageous as possible to the insurgent colonies," and that "the United States send a Minister to the 'United

Provinces of Rio de la Plata,' thereby recognizing that revolutionized colony as an independent state," Clay pictured with poetic prophecy the wonderful lands to which we are joined by the Isthmus of Panama.

James G. Blaine's part in bringing about closer relations between the American Republics is well known. Blaine in 1881 convoked the Pan-American Conference which, owing to circumstances, did not convene until eight years later, when Blaine was again the Secretary of State. In extending his original note of invitation in 1881, Blaine acted upon the inspiration and initiative of President Garfield, who was keenly sensible of the advisability of closer union among the republics of this continent and to whose statesmanship may be attributed the first of those Pan-American Conferences which are now held regularly. In 1881, President Garfield, acting through his Secretary of State, proposed a Conference which should have the sole object of discussing methods of preventing war between the nations of America. Blaine's statesmanship foresaw the practical advantages of reciprocal commercial relations which should more intimately weld the American nations together; and this with numerous other topics formed the program for the first Pan-American Conference which met in Washington in 1889.

In our own day, Elihu Root is the statesman who has most conspicuously exemplified our traditional policy of American unity. His friendship for our sister republics has manifested itself in repeated public declarations which have clearly outlined a rule of conduct for us in our relations with the other nations on this continent. His doctrine is the doctrine of sympathy and understanding, of kindly consideration and honorable obligation; and when his views, which combine the idealism of Mr. Clay and the utilitarianism of Mr. Blaine, have come to be accepted generally as the foreign policy of the United States in this hemisphere, the question of how the United States and her sister republics on this continent can be drawn into closer relations will have found a complete answer.

That we have not as a nation aggressively acted upon the advice of these leaders, giving to their declarations only tacit assent unsupported by positive action, has been largely due to the fact that our country has been intensely occupied with its own affairs, its own marvelously rapid development and its own internal problems. The eminent Dr. Roque Saenz Peña, in a forceful address delivered in Washington in 1889, when he was a delegate to the first Pan-American Conference, frankly expressed his realization of this fact.

Dr. Saenz Peña upon that occasion said:

The truth is that our knowledge of each other is limited. The republics of the North of this continent have lived without holding communication with those of the South, or the nations of Central America. Absorbed, as they have been, like ours, in the development of their institutions, they have failed to cultivate with us closer and more intimate relations.

While I am confident that this true explanation of our mistakes is accepted by the discerning statesmen of our sister republics, it has been only natural

that the apparent, and often actual neglect of our opportunities to cultivate a better understanding of our neighbors, our ignorance of their affairs and our seeming national indifference to their progress should have tended to engender on their part sentiments of resentment, distrust and suspicion. Mr. Root's historic visit to South America in 1906 has been responsible, more than any other single factor, for the correction of these impressions of us. Our people at large have not even a faint conception of the great service Mr. Root has done them by his sympathetic attitude and by his repeated utterances of our national policy, but this service is recognized in all parts of South America, where he is regarded with the deepest affection and respect.

The most effective way of carrying out Mr. Root's instructions seemed to be by conversations with representative South Americans, addresses delivered under the auspices of universities or learned societies, and articles in newspapers and reviews. I was afforded every opportunity to employ these various methods. Public addresses were delivered in each capital visited, numerous conferences were held with leading citizens, and the press gave the widest possible circulation to descriptions of the work of the Endowment and the activities in which it is interested.

There is, I believe, no field more fertile for the work of the Endowment than South America and no time more opportune than the present to cultivate good relations between this country and the republics of the great continent to the south of us.

It is a fact now generally recognized that the people of this country have been and still are ignorant of the actual conditions of these great Latin-American nations which are advancing in the path of progress as rapidly as we have advanced at any period of our history. We have been neglectful of opportunities not only to improve our commercial relations with our sister republics, but, what is of infinitely greater importance, of opportunities to cultivate intellectual intercourse and sentiments of friendly understanding which shall bind us more closely to each other in the future.

It becomes, then, a most urgent duty to overcome our ignorance and repair our mistakes. In no better way, I think, can these results be achieved than in the way the Trustees of the Endowment have indicated, and it is a matter for profound satisfaction that our friends in South America have expressed full sympathy with the plans of the Endowment and have promised their energetic coöperation.

The plan of the Division of Intercourse and Education for "the visit to various countries of representative men of other countries for the purpose of making better known the spirit, institutions and ideals of the several nations," as outlined in the monograph which formed a part of my general instructions, was accepted by the men I met in South America with unanimous approval. Such an exchange of visits would be productive of immediate good. Possibly by no other method could results be obtained which would be so quickly apparent and,

although the work of the Trustees is wisely builded upon a consideration of the far future rather than of our own day, it is nevertheless well to bear in mind the public desire for some tangible token of progress which would serve as a popular incentive and inspiration. It is very gratifying to know that steps have been taken to carry into effect the plan to have distinguished South Americans visit the United States, and it is to be hoped that nothing will be allowed to retard the work in this hemisphere which the Division has already begun so successfully in connection with the Far East.

In regard to the selection of South Americans to come to the United States, it has seemed to me that it might be advisable to allow this to be done by scientific or educational societies under whose auspices the visits could be made. In all of our great sister republics to the south there are men in public and private life well qualified for such a mission, men of brilliant attainments who speak English and have an excellent knowledge of conditions in the United States. Those whom the Endowment might select to visit South America from this country, unless they were able to speak in Spanish or at least in French, would find their usefulness limited. In Argentina and in Chile more English is spoken than elsewhere on the South American continent, but even in these countries the knowledge of the language is confined to comparatively few. French is spoken among the cultured classes, but, while a knowledge of French is much more common with them than it is with us, any representative of the Endowment depending only upon French and English would often experience the need of Spanish.

The foregoing remarks might apply with added force to the proposed exchange of professors of universities, unless, of course, it were desired that the professor visiting the South American universities should give his lectures in English.

The schools and colleges of Brazil; the University de la Plata and the University of Buenos Aires in the Argentine; the University of Montevideo; the University of Chile in Santiago, and the ancient University of San Marcos in Lima, are all important seats of learning with distinguished faculties, and a regular exchange of professors with them should be instituted as soon as possible. It might be well for professors who are sent from the United States to divide their time between the principal Latin American universities. The professors to be invited to this country might include one from each of the Republics mentioned, if that number should not be too large for the purpose of the Endowment, and they, also, might alternate at five of our leading universities, which would enable a professor to remain about six weeks at each university, the lectures thereby covering the entire academic year.

The practical good done by the Harvard and Columbia exchanges of professors with France and Germany is sufficient indication of the benefits to be derived from such exchanges with South America. The condition of a nation can be judged very accurately by the conditions existing at its typical colleges. When

we know what and how the young men of a country are taught and the attitude they assume toward the acquisition of knowledge, we can form a conception of the spirit of a people which will not be far from the truth. South American educators discussed with great interest the interchange of professors proposed by the Endowment and will lend to it their hearty support.

In regard to the proposed exchange of students of universities of South America and our own universities, I found a general commendation of the idea, but it was felt that details of the project would have to be clearly presented before all doubts of its entire advisability were allayed. Latin-American universities and our own are dissimilar in many respects. The opinion was expressed that many parents would hesitate to send their sons to our far-away universities where the students are allowed much greater liberty than they are accustomed to enjoy in South American schools. It was feared that in the absence of family control and family supervision the young men might succumb to temptation. Of course this is not unlike the problems which parents in the United States must face when they are sending their boys away from home, but the added distance contemplated in such an exchange makes it more difficult for fathers and mothers to part with their boys, particularly as the parting must be for a considerable period of time.

It seems to me that some scheme might be possible whereby such South American students could receive a more personal supervision, but, until a definite plan is devised, the proposal looking toward a systematic exchange of students is sure to meet with considerable objection on the part of our neighbors. The young men, themselves, I am convinced, are enthusiastically in favor of it, and several wrote or spoke to me about the possibility of studying in the United States. The mutual benefit the republics would derive is so great that every effort should be made to devise a practical method for carrying out the project.

The Division of Intercourse and Education which has jurisdiction over the exchange of visits of representative men and the exchange of professors and students, has also within its scope the formation of national societies for International Conciliation. I found leaders of thought in South America agreed upon the beneficent work these societies can accomplish and they were eager that national societies should be organized in Latin America. We have been fortunate in obtaining the acceptance of well qualified men to act as honorary secretaries for National Societies for Conciliation in Brazil, the Argentine and Peru and it is expected that a secretary will soon be found for Chile.

It might be advisable to have the pamphlets of the Society for International Conciliation, which are intended for distribution in the Argentine, Chile and Peru printed in Spanish and those for Brazil printed in Portuguese. They would thus obtain a much wider circulation and the work in that way become more popular than if printed in French or English.

In every capital which was visited committees were informally got together which should be the basis for organization of permanent National Societies of

International Law, to be affiliated with the American Institute of International Law, founded in 1912 with Mr. Root as Honorary President and Dr. James Brown Scott as President. In this work prominent publicists gave their zealous support, approving the plan unanimously and devoting to the cause such energy and enthusiasm that the Trustees have every reason to look forward to most encouraging results. It was readily appreciated that such a project as this, essentially intellectual and scientific, must serve as the lasting foundation for all other work of bringing nations into closer relations. The rights of peoples, no less than the rights of individuals, must rest on law.

On several occasions spokesmen of societies of lawyers made responses expressing unqualified approval of the plan to popularize by means of these national organizations the principles of international law, to the end that enlightened public opinion should demand the settlement of questions arising between nations upon the principles of law rather than by a resort to force. The intercommunication of such organizations, through affiliation with the American Institute, will, in itself, be a potent factor in bringing about a better understanding of each other by the several countries.

The eminent authorities on international law in the Southern Republics have made long and careful studies of their subject with particular reference to American affairs and the support they will give to the American Institute will be most valuable. The further work of organization should be done without delay. As Mr. Root in the final paragraph of his letter of instructions points out, the results to be achieved are not to be measured in the terms of individual life, but in the long life of nations and this is fully realized by our friends in Latin America; but advantage should be taken of the present enthusiasm to enlist the services of these distinguished men in the cause which the American Institute represents. The Trustees, I believe, will find no activity which they could support with more fruitful results or which more strongly appeals to the leading men of the South American Republics.

The proposed Academy of International Law at The Hague aroused a lively interest. It was felt that such an Academy, where delegated representatives of the various governments of the world would meet for the study of international law under the instruction of eminent masters, must result in a greater uniformity of opinion, a "standardizing", if the phrase be permitted, of a science which has heretofore been followed only in a manner productive of diverse views. No effort was made to obtain the commitment of any government to the proposal; the time was considered unripe for such action. My instructions had contemplated nothing more definite than inviting the attention of the various Governments to their opportunity to participate in the proposed Academy, but I feel quite sure, from the general interest displayed in the subject and from the approbation expressed by the Ministers of Foreign Affairs, that, when the proposed Academy assumes definite form, the Governments of the five South American Republics which I visited will eagerly avail



themselves of the opportunity to participate in it and that each one will send to it one or more duly delegated representatives.

In conversations with the Minister of Foreign Affairs of each country, in accordance with my instructions, the subject was brought up of the early appointment of national committees for the purpose of discussing the programme of the next Hague Peace Conference and the advantages to be derived from the inter-communication of such national committees in America, in order that when the next Peace Conference is convoked delegates may go there in a better state of preparation and more united in their views of the objects to be accomplished than was the case at the Second Peace Conference at The Hague. The nature of such private conversations precludes the idea of giving to them any public form, but I may say that the necessity for early action is appreciated by the various Governments.

The work of the Division of Economics and History of the Endowment formed a part of the principal address delivered in each city and aroused much interest. South American historians who can prove of invaluable service in furnishing the Division with data regarding the causes and effects of the many wars with which the Southern Republics have been afflicted, and with historic information regarding the relations of Latin American nations, heard with pleasure of the forthcoming visit to South America of Dr. Kinley as the representative of this Division of the Endowment. Dr. Kinley's well-known achievements, his friendship for Latin America and the mission upon which he goes will, I am confident, assure him a most cordial reception and the valuable assistance of South American economists.

The fact that we were able to remain only a few days in each country renders presumptuous any attempt to describe social or political conditions in the South American Republics. Whatever expressions of opinion regarding these matters may appear refer to well-known characteristics or to facts that become evident in even a very brief stay.

In speaking or in thinking of the Republics of South America we are exceedingly apt to fall into the error of regarding them as a whole. The ten separate states are as distinct as the separate countries of Europe; the peoples constituting them differ in race, habits, and ideals; their governments, though retaining the same basic form, are really often quite dissimilar. We shall never go very far toward improving our relations with the Latin American Republics, either in the matter of intellectual intercourse or of commerce until we have made ourselves familiar with the separate nations and by study or actual contact learned to make the necessary distinctions between them. A true understanding of our neighbors can come only with a knowledge of their separate histories, of their heroes, of the epics of valor and perseverance of each Republic and of the races from which they have sprung, native and European.

The day has gone by when the majority of these countries, laboriously building up a governmental structure under tremendous difficulties, were unstable,

tottering and likely to fall from one month to another. Now all the more important Republics are firmly established and no longer live in the shadow of dictatorships or unconstitutional rule. They "have passed", to use the words of Mr. Root, "out of the condition of militarism, out of the condition of revolution, into the condition of industrialism, into the paths of successful commerce, and are becoming great and powerful nations". With this development has come material progress and prosperity attracting the attention of the world to South America and assuring its increasing greatness in the future.

Although error springs from regarding the South American nations as a whole, certain characteristics are, in greater or less degree, common to all of these peoples. They are hospitable, courteous, sensitive, proud and intensely patriotic. Whoever goes among them with a disregard of these traits is sure to produce a bad impression upon them. We of northern climes are traditionally more brusque, and brusqueness is foreign and offensive to these descendants of the polite races of the Iberian Peninsula. Their sensitiveness causes them to resent criticism, although they accept most readily suggestions prompted by a sincere friendship; but an attitude of superiority, too often assumed by unthinking persons of other nations, can beget only their suspicion, distrust and contempt.

Much has been said of the rivalry existing between the various Republics. It is only natural that the rapid progress made by nations lying so close to each other should produce a spirit of keen competition in their advance toward the common goal of greatness. The same spirit is evident in nearly every country in the world. The sentiments which exist between the several nations should be respected by all who deal with them, for in that way only can one escape giving offense by apparent partiality; but I incline to the belief that much loose talking of persons ignorant of the facts and a good deal of loose writing and loose thinking by careless observers have grossly exaggerated the nature of this competitive spirit.

Upon the great questions concerning the welfare of the entire continent, upon matters relating to the advancement of humanity in general and upon the principles of right and progress, the peoples of South America, or, at least, those with whom I came in contact, are united. They are believers in high ideals and in the work for these ideals they show a solidarity that rises far above any feeling of national rivalry.

In every country which I visited I found sentiments of warmest friendship for the United States. The reported occasional public expressions by agitators of South American distrust of our purposes and motives are practically negligible in comparison with the earnest desire for the friendliest relations between our countries which one hears expressed by the real leaders of opinion everywhere.

It behooves the people of this country, however, to conduct themselves toward their Latin-American neighbors with such consideration and fairness that no

cause for suspicion may arise. It has been decreed by our geographical position and historical association that our destinies shall not be separate. Such has been the view of our own statesmen from the time of Monroe and such was the opinion of those early great leaders of South American independence. I believe that this opinion is held by the South American leaders of today, not in any sense of political alliance and, certainly, in no degree in a manner to involve the sovereignty of any state concerned, but as a matter of policy necessitated by our proximity to each other, our isolation from other continents and our common ideals of liberty. We must all, I think, admit the force of the argument for our interdependence, but each American nation should be scrupulously careful in respecting the rights and sentiments of the others.

For our conduct we cannot do better than to remember and follow the sentiments of John Quincy Adams expressed in a special message to the House of Representatives, explaining his action in appointing delegates to the Conference held in Panama :

The first and paramount principle upon which it was deemed wise and just to lay the corner-stone of all our future relations with them (our sister American republics) was disinterestedness; the next was cordial good will to them; the third was a claim of fair and equal reciprocity.

These sentiments which served as the "corner-stone of all our future relations," are as applicable today as when they were written, more than eighty years ago.

## II. THE JOURNEY

Among the many changes which are rapidly transforming the relations of South America with the rest of the world, none, perhaps, is more apparent to, or has a more immediate interest for North America, than the improvement in the means of communication between the two continents. Neighbors of the North and South are no longer forced by considerations of comfort or expedition to make their visits to each other by way of Europe.

Good passenger steamships now ply regularly between the United States and the principal ports of the east coast of South America, or between the ports of this country and the Isthmus of Panama, where connection may be made with the steamships of several lines engaged in the coastwise traffic on the Pacific side.

The journey that only a few years ago was looked upon as accompanied by hazards and hardships has become a cruise in pleasant and interesting waters where the seas are singularly free from storms.

These favorable conditions, which are too little known to the general public, continue to improve yearly, and with the opening of the Panama Canal, the improvement must be even more rapid.

That our own party embarked from Lisbon for Rio de Janeiro was due to the circumstance that some of us had come from the Orient and to the fact that a meeting had been arranged in Paris with Dr. James Brown Scott, the Secretary of the Endowment.

The week in Paris was given over to the preparation of material. Only by the diligence and devotion of Dr. Scott, generously aided by Dr. Alejandro Alvarez of Chile, Secretary-General of the American Institute of International Law, was it possible in the short time to prepare articles and information essential for the journey.

Drafts of articles were prepared in English and French descriptive of the formation, work and purposes of the Carnegie Endowment and of some of the activities and movements in which it is interested, such as the American Institute of International Law, the Academy of International Law at The Hague, the Third Hague Conference, the Permanent Court of Arbitration at The Hague.

Through the kindness of Dr. Scott we were supplied with many printed pamphlets intended for our own information and for distribution among our friends in South America. Among these papers were:

Institut Américain de Droit International;

Projet de Statuts, for aid in the formation of national Societies of International Law;

La Transformation de l'Arbitrage en Sentence Judiciaire, par James Brown Scott;

Le Mouvement Pacifique, par James Brown Scott;

Discours d'Ouverture du XX° Congrès Universel de la Paix, par J. de Louter;

From Baron d'Estournelles de Constant, who was absent from Paris, we received pamphlets descriptive of the work of the Association for International Conciliation, together with replicas in bronze of the medal of the Association.

M. Gabriel Hanotaux, former Minister of Foreign Affairs of France and president of the Comité France-Amérique, returned from the country to Paris in order to render his invaluable service, and I was his guest at a luncheon where he warmly wished me success upon my mission to South America. M. Hanotaux further testified his cordial interest by writing articles on the objects of my journey, which were published in the *Figaro* and in the *Revue France-Amérique*.

From Paris we went to Lisbon, leaving there September 23rd, 1913, on the Royal Mail Packet Steamship *Araguaya*. Our party consisted of Judge Otto Schoenrich, President of the Nicaraguan Mixed Claims Commission, and Mrs. Schoenrich, Mr. W. R. Hereford, my wife and daughter and myself.

Although the voyage to Rio occupies a fortnight, one is never out of sight of land for longer than five days consecutively. Frequent stops relieve the journey of any possibility of monotony. Our ship put in at Funchal, on the picturesque island of Madeira, and at St. Vincent, the chief port of the Cape Verde islands, before we reached the coast of Brazil. The first port of call in South America was Pernambuco or El Recife, to give it the native name, a prosperous commercial city where extensive improvements are under way to permit vessels of deeper draft to come into the harbor. Our vessel remained at anchor in the roadstead, disembarking passengers by means of a basket swung upon a crane, and unloading freight into lighters, tasks rendered difficult by the swift tide and heavy swell which are constant at this point.

We gained our first impression of the activity of modern Brazil at Bahia where the members of our party went ashore. In the city, which is the third in size in Brazil and a principal mart for sugar and cotton, there were everywhere evidences of the energy that is transforming these Brazilian capitals into modern cities. Streets were torn up; old houses were being demolished; new and imposing buildings were taking their places; street-car lines were being built or improved. Apparently expense was but little considered in the desire for improvement. Bahia is a revelation to travelers from Northern climes who are wont to regard the people of the tropics as lacking in energy and too content with an easy existence to suffer change.

### In Rio de Janeiro

Our first view of Rio was such as to stamp it forever on the memories of all of us. It is probable that no one can enter that wonderful harbor without

receiving impressions which cannot be effaced, but it was our good fortune to pass through the narrow entrance just after sunset and to come to anchor in the circular bay when the myriad lights of the city were shining, outlining the broad arc of the shore and extending from the water's edge to the heights behind the city. A full moon revealed the high dark mountains of curious shapes which encircled us, with the dome-like rock, the Sugar Loaf, which is beloved of every "Fluminense," rising sheer from the deep waters only a few hundred yards away.

Early the next morning we were met on board by Mr. Butler Wright, first secretary of the American Embassy, and Senhor Helio Lobo, of the Foreign Office, who in the name of the Minister of Foreign Affairs, Dr. Lauro Muller, extended an official welcome to us. I had the honor, an hour later, to be received by Dr. Lauro Muller, who was most cordial in his expression of interest in the Endowment. He had but recently returned from his official visit to the United States and spoke feelingly of the reception that had been accorded him there and of his desire to lend his support to an undertaking which had in view the promotion of friendly relations between our two countries.

Dr. Muller gave further evidence of his genuine interest in the success of my mission by delegating to assist me Senhor de Oliveira Lima, upon whose valuable good offices I constantly depended throughout my stay in Rio. It would have been difficult if not impossible to have found any one more thoroughly qualified than Senhor de Oliveira Lima. His long and distinguished diplomatic service in Europe has made him familiar with many of the activities in which the Endowment is interested and to this is added a thorough, scientific knowledge of the relations between Brazil and the United States. His recent valuable essay on that subject is familiar to those who receive the pamphlets of the Association for International Conciliation. Senhor de Oliveira Lima's many friendships in the United States, his well-remembered lectures in this country and his command of English and French all helped to fit him peculiarly for the invaluable services to the Endowment which he rendered with the utmost good-will.

Calls were made on the day of our arrival upon Senhor Ruy Barbosa, Dr. Amaro Cavalcanti and other leaders of public opinion in Brazil. It is impossible to exaggerate the sense of encouragement I experienced because of the interest manifested by these men who were so thoroughly representative of the statesmanship of their country. Elsewhere I have spoken of their valuable aid and I shall have occasion later to refer to it more particularly.

During my stay in Rio de Janeiro I was the guest of the American Ambassador, Mr. Edwin V. Morgan, who was indefatigable in his efforts to afford me opportunities to explain the methods and purposes of the Endowment.

It was at the American Embassy that the first public address on the objects of my visit was made. The Ambassador had invited about a hundred men prom-

inent in the intellectual life of Brazil. Just before this meeting a committee of the Historical Institute of Brazil, of which Count de Affonso Celso is the distinguished president, and which is one of the oldest learned societies in America, welcomed me in the name of the Institute. Senhor de Oliveira Lima, who acted as the spokesman of the committee made a brief address in English pledging the support of the Institute to the cause of international friendship.

At the larger meeting where I was introduced by Senhor de Oliveira Lima in an address of the most cordial sympathy, it was a very great pleasure to explain the purposes of the Trustees to men whose influence was so powerful in the affairs of Brazil, for the audience was made up of leaders of the Republic in many branches of intellectual endeavor.

The lively interest which, from the start, was manifested in the Endowment was shown in the gratifying request of the Minister of Foreign Affairs and others who were present, that a more detailed address upon the same theme be delivered before a larger audience, and, in spite of the short time of our stay in Rio, they were able to arrange for the second day following, at the National Library, a meeting which was held under the combined auspices of the Brazilian Academy and the Institute of the Order of Advocates. I was introduced by Senhor Ruy Barbosa. The prominent place occupied in Brazil by Senhor Ruy Barbosa, his conspicuous service at the Second Hague Peace Conference and his recognized authority might warrant us in considering him upon this occasion as the spokesman of his country. In an address of exceptional brilliance and eloquence, in which he paid high tribute to Mr. Root and Dr. Scott, he expressed his appreciation of and deep sympathy with the humanitarian work upon which the trustees of the Endowment are engaged. After his sympathetic introduction it was a highly esteemed privilege to explain to the distinguished audience which filled the large hall of the Public Library, the ideals of the Endowment and the practical methods by which it seeks to attain its aims.

At a tea given for us by the Argentine Minister, Dr. Lucas Ayarragaray, and Señora Ayarragaray at the Argentine legation and on another afternoon when we had tea with Señor Alfredo Irazabal, the Chilean Minister, at Pão d'Assucar, we had the pleasure of meeting the members of the diplomatic corps and many residents of Rio. We dined one evening with Señor and Señora de Figueiredo, and there had been a dinner with Mr. Percival Farquhar, a luncheon with our Consul General, Mr. Lay, and Mrs. Lay, and luncheons, dinners and a dance at the Embassy so that, notwithstanding the shortness of our stay, we made many delightful acquaintances and saw not a little of the society of the Brazilian capital, carrying away with us the lasting impression of its culture and charm.

On the day before the meeting at the Library, Dr. Lauro Muller gave a luncheon for me in the Itamaraty Palace where the Foreign Office is installed, a palace of exquisite charm and possessing a remarkable library. There were a score of guests at the luncheon, principally Brazilian diplomats and jurists.

In the afternoon I had the honor of an audience with the President of Brazil, Marshal Hermes da Fonseca.

The intervals between these occasions, when not occupied in the preparation of addresses, had been devoted to talks with Senhores Ruy Barbosa, Amaro Cavalcanti, president of the Supreme Court, J. C. de Souza Bandeira, Oliveira Lima and others, who with unflinching courtesy gave their time and thought to the subject of the formation of a national society of international law and, at the instance of the Minister of Foreign Affairs, undertook its organization.

For the society of conciliation, to be affiliated with the parent society in Paris and the society in New York, we were extremely fortunate in obtaining the consent of Dr. Helio Lobo, of the Foreign Office, to act as Honorary Secretary. His acceptance of this position was immediately telegraphed to the Director of the Division of Intercourse and Education, Dr. Butler, in order that the organization of the branch society in Rio de Janeiro might be begun without delay.

Papers which had been prepared for distribution and as the basis for interviews or articles in newspapers and reviews and which we had printed in Rio in pamphlet form, were as follows:

- (a) In French, a draft of an address on the objects of the Endowment and of the mission.
- (b) In Spanish, a draft of an address on the objects of the mission.
- (c) In Spanish, a draft of an address on the American Institute of International Law and National Societies of International Law.
- (d) In Spanish, a draft of an address on the Association for International Conciliation.
- (e) In Spanish, a draft of an address on the proposed Academy of International Law at The Hague.
- (f) In Spanish, a draft of an address on National Committees for the next Hague Conference.
- (g) In Spanish, a draft of an address on the Division of Economics and History and the mission of Professor Kinley.
- (h) In Spanish, a draft of an address on the proposed International Court of Justice.
- (i) In Spanish, notes on the organization and objects of the Carnegie Endowment for International Peace.

The newspapers of Rio without exception had evinced the greatest interest in the objects of my visit, printing daily long articles with pictures and conspicuous headlines, all startlingly reminiscent of the enterprise and ingenuity of our newspapers at home, with the difference, however, which I am constrained to point out in the interest of general information, that the newspapers throughout South



America display a carefulness and accuracy to which we, unfortunately, are not always accustomed, and essay to interest their readers in the ideas of men rather than in their personalities. Copies of the principal newspaper articles referring to our visits in Brazil, the Argentine, Uruguay, Chile and Peru, have been collected.

On the day we left Rio I had the pleasure of meeting again Dr. Rodriguez, the distinguished editor of the *Jornal do Commercio*, who had until that morning been absent from the capital. He was most responsive and told me that he intended to publish in the *Commercio* articles descriptive of the work of the Endowment, in which he was much interested.

Our visit to Rio was limited to four days. It is, of course, unlikely that in such a short period opinions worthy of record could be formed of the people or of the political or economic conditions of the country, but the first impressions of travellers generally have at least the value of sharp definition.

Of the beauty of the capital there could, of course, be no difference of opinion. The wonderful sanitary condition of Rio is most striking. It seems impossible that it should once have been a lurking place for deadly fevers. To-day the city is scrupulously clean; the streets are so well cared for that a torn-up thoroughfare is a rarity. Pestilential disease has disappeared and the mortality rate is one of the lowest in the world. So salubrious is Rio that most of the residents now remain in the capital during the hot months of December, January and February instead of fleeing to the mountains as they used to do.

The impression we all got and which I think any one must receive in even the briefest visit, was of a city and country and people for whom the future is big with promise. The vastness of the territory and its inestimable wealth stimulate the imagination.

The people are energetic and patriotic. They are by nature and by tradition courteous and hospitable and give expression freely to the sentiments of friendship they entertain for the United States. Surely the hospitality shown to our party could not have been more cordial or delightful. In leaving Rio we parted with regret from those acquaintances whom we had learned, in a few days, to regard as friends.

### In Argentina

The journey by sea from Rio de Janeiro to Buenos Aires occupies four days. Very recently the railroad to the South has been opened so that it is now possible to go as far as Montevideo overland. Our Ambassador, Mr. Morgan, had just completed this trip and was enthusiastic over the interesting glimpses of Southern Brazil to be had from the car windows, but our plans to go to Buenos Aires by sea had been made in advance and could not well be changed.

We travelled on one of the new ships of the Royal Mail Steam Packet Company, the *Andes*, a large and well-equipped vessel of the type which the

growing trade and passenger traffic between Europe and South America has called into service.

Our ship did not put into the harbor of Montevideo but stopped in the open roadstead off the city long enough to permit passengers to disembark. Although it was ten o'clock at night when the *Andes* came to her dock in Buenos Aires, we found awaiting us Major Shipton, the Military Attaché from the Legation, a representative of the Foreign Office, Señor Barilari, who extended to us an official welcome, and several of our Argentine friends. With the members of my family I was driven to the house of Mr. John Work Garrett, the American Minister, with whom we stopped during our stay in Buenos Aires. Even at night, and despite the rain that was falling, the drive from the river to the Minister's house revealed unmistakable evidences of the great size and importance of the city of whose wonders we had heard so much. The comparison with Paris is not an effort of imagination nor the hyperbole of local pride. It suggests itself so naturally that it becomes unavoidable. We were all conscious again and again during our stay of the illusion that we were really not in the Argentine but in France.

The day after our arrival was taken up with conversations with Dr. Ernesto Bosch, the Minister of Foreign Affairs, Dr. Luís M. Drago, Dr. E. S. Zeballos and other leading Argentinians who very kindly gave me the benefit of their advice and lent their active support in furthering the work of the Endowment. In the afternoon I called on Dr. Bosch, and was presented by him to Dr. Victorino de la Plaza, the Vice-president, who has long occupied a prominent place in the affairs of the Argentine Nation. Dr. de la Plaza speaks English fluently and loses no occasion to express his friendship for the people of the United States. Two visits which he made several years ago to this country are still fresh in his recollection, and, since then, in his studies, he has so carefully followed our progress that he is thoroughly familiar with the development of our republic. It is his wish to visit again the United States and the benefit that our people would derive from the presence of a statesman so representative of his nation is apparent, but his official duties demand his presence in the Argentine for several years to come, so that the prospect of such a visit is, unfortunately, remote.

During the time that we were in Buenos Aires, Dr. Saenz Peña, the distinguished President of the Argentine Nation, was detained at his home in the country by a regrettable illness, so that I did not have the privilege of renewing an acquaintance with him begun in Paris.

In the afternoon of the day of our arrival, Dr. Ernesto Bosch and Señora Bosch, whom we had known in France at the time Dr. Bosch was the Argentine Minister there, and who were most kind in their hospitality to us throughout our stay in the Argentine, gave a reception for Mrs. Bacon and myself, where we had the pleasure of meeting many who were prominent in the diplomatic and social life of the capital.

In the evening I dined with Dr. E. S. Zeballos at his house. He had invited a most distinguished company of public men, diplomatists, jurists and educators, and they expressed a very lively interest in the work and purposes of the Endowment. There was a short speech of welcome by Dr. Zeballos to which I responded, referring to the declarations of Mr. Root during his memorable visit, as a doctrine of sympathy and understanding, of kindly consideration and honorable obligation. Mr. Root's visit in 1906 and his public utterances remain vividly impressed upon the minds of the leaders in the Argentine in no less degree than in Brazil and I was to find as I continued my journey that there existed everywhere I went the same warm sympathy for him and the same confident reliance upon the sincerity and potency of his friendship for our sister Republics to the South.

We had luncheon the next day at the German legation with our old friends, Baron and Baroness von dem Bussche.

Before leaving Rio I had been invited to address the Faculty of Law of the University of Buenos Aires, and the meeting was held that afternoon in one of the great halls of the University. There Dr. Drago presented me to an audience of several hundred men and women who, in spite of the somewhat technical nature of the subject, paid the closest attention. The address was substantially a combination of the two I had delivered in Rio de Janeiro, for it was quickly appreciated that the public preferred to hear a general description of the work and purposes of the Endowment rather than an address confined to any one of the activities which it encourages or supports.

In the evening at the chancellery of the American Legation, there was an informal gathering of alumni of universities in the United States, South Americans and North Americans, who were members of the University Club of Buenos Aires, of which our Minister, Mr. Garrett, was president. Toasts were made and responded to, expressive of greeting and good-will, as informal as the general character of the evening, of which no record was kept except in the memories of those who in this land so far south of the Equator, had foregathered fraternally, each drawn by the tie of an alma mater in a republic so far to the North. It gave one a pleasant sensation of optimism and security in the future friendship of our countries. One is inclined to underestimate the great good done by such social organizations as the University Club of Buenos Aires. They are really important factors in the relationship of countries and it is to be hoped when the proposed exchanges of professors and students are put into effect under the auspices of the Endowment that an effort will be made to organize similar societies wherever it may be practicable.

There will always remain in my memory the impression of visits which we made the next day to several of the public schools. While the ladies of our party, with Señora Rodriguez Larreta, the head of the admirably organized charities of Buenos Aires, one of the most efficient organizations of its kind in the world, visited hospitals and charitable institutions, obtaining a glimpse of

the generosity and devotion of the ladies of Buenos Aires, Mr. Garrett and I visited the public schools with Dr. Carlos Ibarguren, Minister of Public Instruction, and Dr. Pedro Arata, President of the National Council of Education.

The public schools of Buenos Aires are models of which any country might be proud. They have aroused the admiration of such distinguished observers as James Bryce and M. Clemenceau. It has been stated that the Argentine spends more money upon the education of her children than any other country in the world with the single exception of Australia. One can easily believe that this is true if her schools generally have the excellence of those that we had the privilege of seeing. It makes a visitor from the United States proud to be reminded of the fact that the great Sarmiento, the founder of the Argentine's educational system, was a close personal friend of Horace Mann, and received his inspiration largely from that friendship.

Our limited time in Buenos Aires made anything like a thorough study of the educational condition of the Republic out of the question and any observations that I might make would be, necessarily, not much more than the reflected opinions of other travellers who have expressed them better, and of native historians who have dealt with the subject fully and authoritatively, but we saw enough to fill us with admiration. We found that English was generally taught and it left an indelible impression upon us to hear the national anthem of the United States sung in English by the pupils of their schools and to be greeted in our native tongue faultlessly by the girls and boys whom the others had selected to welcome us. Nothing, I think, could have touched us more deeply.

Señor Ibarguren was our host later at the imposing Jockey Club at a luncheon where we met many men prominent in the affairs of the Republic. In the afternoon we visited the Hall of Congress, a marble building just completed and reminiscent, in its architectural beauty, of our own capitol at Washington.

To Señor Joaquín Anchorena, the Intendente of Buenos Aires, we are indebted for many kind attentions, among them a tour of the city the next morning, when we saw some of the magnificent new avenues and parks of the capital. We inspected the extensive underground railway which was just being completed and also went with Señor Anchorena, who is largely responsible for many of these great public works, to the model municipal farm, and there we had our first drink of maté, or Paraguayan tea, which, though scarcely known in Europe or in the United States, is a most important article of consumption in some of the Southern Republics, Argentina alone importing 43,161 tons of maté in 1909 from Brazil.

We had luncheon with the Vice-President, Dr. de la Plaza, at his house where he had gathered a score of public men and here, as upon other occasions, we found an eager interest in the work of the Endowment. Dr. de la Plaza made a short speech in which he expressed officially this interest and support, referring particularly to Mr. Root and employing the phrase in English which I had used at Dr. Zeballos' dinner in speaking of Root's doctrine.

The Vice-President's remarks were made without notes and, unfortunately, no verbatim record of them was obtainable.

The afternoon was taken up with many informal visits and in the evening we went to the house of Dr. Ezequiel Ramos Mejía, a former member of the Cabinet and one of the Argentine's foremost men, who, with his charming wife, was giving a reception for us.

We had luncheon the next day at the races with Señor Jorge Mitre, owner and director of *La Nación*, one of the large, active, important Argentine newspapers which are the marvels of the journalistic world. The day was an important one on the calendar of sport and the Vice-President and nearly all other officials of the government attended the races. The spectacle reminded one of the great days at Longchamps. Later, with Dr. Bermejo, Dr. Ibarguren and Dr. Aldao, I went to a Children's Congress, where hundreds of splendidly drilled school children engaged in gymnastic exercises. In the evening we took the steamer *Eleo* for Montevideo, Señor Barilari of the Foreign Office, Mr. Garrett, Major Shipton, Lieutenant Whitlock and other friends coming to the dock to bid us good-bye.

Enough has been written in this narrative account of our visit to Buenos Aires to indicate the extreme cordiality of our reception. The impression received in Brazil of the friendliness of the people of South America toward the United States was confirmed and strengthened in the Argentine. Despite the unofficial purpose and private character of our mission the newspapers devoted daily great space to describing all that we did, reproducing in full the addresses delivered and publishing long articles descriptive of the objects of the Endowment. The rather scientific nature of these articles, the lack of anything spectacular in the subject itself, induces the belief that the newspapers merely reflected the friendly interest of the public in the work the Trustees are seeking to accomplish.

This interest was notable among those with whom I had the opportunity to converse. I found a ready coöperation among the leading citizens and a strong committee was informally authorized by the Minister of Foreign Affairs for the purpose of organizing a national society of international law. This group of men included those whose advice had so greatly encouraged me: Dr. Antonio Bermejo, President of the Supreme Court, Dr. Eduardo Bidau, of the Faculty of Law of the University of Buenos Aires, Dr. Eufemio Uballes, Rector of the University of Buenos Aires, Dr. Luis M. Drago, Dr. E. S. Zeballos.

The organization of a national society for international conciliation was discussed and the men with whom I talked were thoroughly in accord with its purposes. Dr. Benjamin Garcia Victorica accepted the position of Honorary Secretary and was at once placed in communication with Dr. Butler. The work of organization will go on rapidly under Dr. Garcia Victorica's direction and the parent association of International Conciliation in Paris and the Association in New York will, I believe, find a valuable adjunct in the Society of Buenos Aires.

So much has been said of the truly marvelous development of the Argentine Republic, that my own testimony can add but little to our realization in the United States of Argentina's rapid progress and the important place it occupies among nations. Its recent history affords many striking parallels to our own and not a few of the problems which arise are the same as those with which we have had to deal or with which we are even now dealing. The immense natural resources of Argentina, which has an area of more than a million square miles or about one-third that of the United States proper, the virility and industry of its people and the learning, ability and patriotism of its public men leave no doubt of the future greatness of the Republic.

Signs point unmistakably to the increasing commerce between the Argentine and the United States and, what is more important still, to intimate intellectual relations. It is essential that a better understanding of each other by our two countries be brought about, and it is a happy augury for the future that, in seeking to do this, the Endowment will have its plans approved and furthered by those eminent Argentine leaders who are so largely responsible for the present advancement of their country.

### In Uruguay

The Rio de la Plata at Buenos Aires is really an arm of the sea, so that Montevideo, although "just across the river", from the Argentine city is distant 110 miles and the journey between the two capitals occupies about ten hours.

Awaiting the arrival of our steamer, we found Señor Fermin Carlos de Yerequi, of the Foreign Office of Uruguay, who welcomed us officially, and our Minister, Mr. Nicolay Grevstad, who, during the two days we remained in Uruguay, was most attentive and helpful. A committee of reception had been formed consisting of Dr. Pablo de María, President of the Supreme Court, Dr. Claudio Williman, Rector of the University of Montevideo and former President of Uruguay, Dr. Ildefonso García Lagos, President of the Uruguayan Central Committee of the American Peace Association, Dr. Julio Bastos, President of the Ateneo and Dr. Carlos M. Prando, and through their good offices and Mr. Grevstad's, I met the men of Uruguay whom I much desired to meet.

Montevideo is a much smaller city than Buenos Aires, about one-third or one-fourth the size, but it possesses all the dignity of a large and important capital, together with the individual charm that smaller cities often retain. There are wide, well-paved, well-lighted avenues, lined with attractive buildings and many interesting shops. The city is well equipped with modern electric street railways. Public squares and parks of exceeding beauty add to the charm of the place, which attracts many from Buenos Aires during the hot months. Close by are delightful resorts on the sea which are within easy access of the city and afford pleasant places for outing for the Montevideans. To the west

is the famous Cerro, a large cone-like hill, beloved by the people of the city, who often go there for the fine view to be obtained from its summit of the river and harbor with its moles and docks. The harbor, already an excellent one, though too small for the commerce of the port, is being extensively improved.

Our first morning was taken up with a visit to the Minister of Foreign Affairs, Señor Emilio Barbaroux, who presented me to several eminent educators and publicists, with whom I discussed the objects of my visit, asking for their coöperation, which they heartily gave.

We went to a luncheon given by the American Minister, at which there were about twenty distinguished residents of Montevideo. Mr. Grevstad delivered in Spanish a short address of welcome, to which I responded.

The afternoon was spent at the Foreign Office with Señor Barbaroux and several gentlemen he had invited to meet me there. We took up the question of a committee to organize a National Society of international law. All the gentlemen devoted themselves most earnestly to the discussion and agreed to serve on the committee which was then informally constituted and included: Señor Emilio Barbaroux, Minister of Foreign Affairs; Dr. Pablo de María, President of the Supreme Court; Dr. Ildefonso García Lagos, President of the Uruguayan Central Committee of the International Peace Association; Dr. Juan Zorilla de San Martín; Dr. José Pedro Varela; Dr. José Cremonessi and Dr. Daniel García Acevedo. This group, it was intended, should form the basis for the organization of a permanent society.

In the evening before a large and extremely sympathetic audience at the Ateneo, Dr. Juan Zorilla de San Martín, an orator of international reputation, delivered a brilliant address expressing the approval of Uruguayans of the work of the Carnegie Endowment, and entering more particularly into a laudatory description of the American Institute of International Law. It is a source of deep regret that no exact record of Señor San Martín's eloquent speech exists, as he spoke without notes and no stenographer was present, but in a letter just received, Mr. Grevstad, I am happy to say, gives the assurance that Señor San Martín, at my urgent request, will endeavor to write his valuable essay, reproducing the speech as nearly as his memory of it will permit. Following Señor San Martín's sympathetic introduction, I spoke for some time, explaining in detail the methods and purposes of the Endowment as I had explained them in Buenos Aires.

Nearly all of the next morning was spent at the Ministry of Foreign Affairs. Señor Barbaroux showed unflagging interest in the numerous topics mentioned in my letter of instructions and I cannot sufficiently express my deep gratitude to him. Our time in Montevideo was limited to a few hours. Unfortunately it had to be so. We should have greatly wished to stay longer, and the fact that we were able to accomplish what we did was due altogether to the aid of Señor Barbaroux and his friends and of Mr. Grevstad and the members of the Committee of Reception.

In the afternoon I had the honor of being presented to His Excellency, the President, Señor Batlle y Ordóñez, and was impressed in the necessarily brief audience by his forcefulness, the familiarity he showed with the subjects I had come to discuss and his friendliness toward the objects of my visit.

President Batlle lives a short distance from the capital and we drove from his beautiful estate back to the city and to the Prado, Montevideo's magnificent park, where a tea for us was in progress under the hospitable auspices of members of the American and English colony in Montevideo. From the tea I went to the house of Dr. Ildefonso García Lagos and shall always remember the charming half-hour's talk I had with him. Despite age and the infirmity of blindness, Dr. García Lagos who, in 1889, was a delegate to the first Pan-American Conference held in Washington, has continued to occupy himself with the broad, humanitarian international work in which he has for so long held a position of leadership. He had not stopped to think of personal convenience when Señor Barbaroux had invited him to meet with us at the Foreign Office, but had left his home to be present, and had given us the benefit of his experience and valuable advice.

That night there was a banquet given for us in the Uruguay Club by the Minister of Foreign Affairs where we met men and women who were leaders in the life of the capital. We heard many expressions of cordial sympathy with the objects of our visit and these were voiced officially in a short speech of the Minister of Foreign Affairs.

In order that we might have the opportunity to meet in this delightful way those whose acquaintance we so greatly desired to make, the steamship that was to take us back to Buenos Aires was delayed in starting for an hour or more and it was approaching midnight before we drove away from the Uruguay Club. The American Minister, members of the Reception Committee and Señor de Yérequi, of the Foreign Office, accompanied us to the steamer to take leave of us and to add by this last attention to the already deep sense of gratitude our hospitable welcome had inspired.

It seems to us little short of remarkable that in the two brief hurried days we were able to remain in Uruguay, we should have received impressions which remain fixed so clearly in our memories, but we can never forget our friendly reception nor can we adequately express our appreciation of the cordiality and hospitality that marked our visit to Montevideo. It would have been impossible for our hosts to do more than they did to testify to their interest.

Uruguay occupies such an honorable and important place among the nations of America that it is particularly gratifying to know that the Endowment has the approbation and support of its leading citizens in private and public life. Some one has well described Montevideo as the American Hague because of the many international Congresses and Conferences which are held there. A large number of these gatherings have in view the improvement of the present conditions of humanity. All that tends to uplift mankind, all that makes for



progress in the march of civilization, finds a cordial support in progressive Uruguay. More than one historian has pointed out that the majority of leaders in the world's advance have come from smaller nations. Uruguay, although the smallest in area of the South American republics, occupies a place of honor and consequence not dependent upon its size but upon the intelligence, advancement and patriotism of its people. Although the smallest of the nations of the Southern continent, it is as large as all New England with the state of New Jersey added and, as has been said, has not an acre of unfertile soil throughout its length and breadth. Commercially, materially, it is growing rapidly, sharing in the great prosperity and progress that has come in recent years to these republics of the South. There is every reason to believe, and it is a cause for congratulation, that the work of coöperation with the Endowment already begun in Uruguay will be continued with most gratifying results.

### In Chile

There was another busy day for us in Buenos Aires upon our return, a day in which every moment was occupied. There were interviews with the Minister of Foreign Affairs, Señor Bosch, and others who had manifested such a cordial interest in the objects of the Endowment, a visit under the personal guidance of Dr. Adolfo Mugica, Minister of Agriculture, to the Agricultural Museum, where we saw striking examples of some of those things which have made the Argentine such a great nation and, in the evening, there was a dinner at the Legation.

Early on the following morning we departed on the journey to the other side of the Continent, for which purpose the President had placed his private railway carriage at our disposal and the government had delegated Señor Cortázar of the Railway Service to accompany us. There were many of our friends at the station to say good-bye: Mr. Garrett, Major Shipton, the Military Attaché, Señor and Señora Bosch, Señor and Señora Green, Dr. Joaquin de Anchorena, Dr. Larrain, the Chilean Minister, Señor Barilari, of the Foreign Office, and many others who had done so much to make our stay in Buenos Aires a pleasure that will forever remain in our memories.

During all that day we travelled in a straight line to the west through a prairie land of wonderful richness, over which roamed great herds of cattle and horses. Seemingly boundless seas of wheat and alfalfa rolled away from us as far as the eye could reach. No one who has taken that journey across the pampas needs any further explanation of the prosperity that has so rapidly advanced the Argentine Republic to a leading place among the nations of the world.

We arrived at Mendoza in the foot-hills of the Andes soon after daybreak, and there changed to a special train on the narrow gauge road that climbs amid impressive mountain scenery to a height of nearly 10,500 feet. During the ascent we caught a glimpse of Aconcagua, the highest mountain in the western hemi-

sphere. Near the summit of the divide a tunnel has been cut through to the western slope, doing away with the mule-back journey of a few years ago. A good deal has been written of the hardships of this railway trip across the Andes, but none of our party experienced any discomfort. The descent on the Chilean side offers panoramas differing from those seen on the eastern side of the Cordilleras. The mountains are less barren and for that reason, perhaps, seem less rugged, although the descent was more precipitous than the ascent had been. The gorges are narrower and seem deeper, and as the train winds its way downward there are entrancing views, covering a wide range, and showing a country of great fertility.

A change was made at Los Andes to the broad gauge again and we continued our journey in a special car provided by the Chilean government. Mr. Harvey, our Chargé d'Affaires in Chile, joined the party soon afterward. We arrived in Santiago about half-past ten o'clock in the evening, but in spite of the lateness of the hour, a large delegation, including representatives of the Government and members of the Committee of Reception, was at the station to welcome us. After a pleasant moment of greeting in the train and on the station platform, we were driven to our hotel in state carriages which the President of the Republic had placed at our disposal.

The arrangements for our reception in Santiago had been placed in the hands of the following committee: Dr. Domingo Amunátegui, Rector of the University of Chile, Senator Joaquín Walker Martínez, Director of the Caja Hipotecaria, Dr. Luis Barros Borgoño, Dr. Antonio Huneeus, former Minister of Foreign Affairs, Señor Jorge Astaburuaga and Señor Julio Philippi.

The members of this committee were most attentive during the four days we remained in Santiago. They lost no opportunity to show us the many places of interest in their beautiful and picturesque city. Through them and through the efforts of the American Chargé d'Affaires, Mr. Harvey, I met leading citizens of Chile and talked over with them the work the Endowment wished to accomplish.

The first morning was devoted to a drive about the city in the company of members of the committee. Santiago is entirely distinctive in character. It possesses all the charm of an old Spanish city but its progressive, enlightened citizens have added to this charm of antiquity the comforts and improvements of modern capitals. Its situation is superb. High mountains rise close at hand enclosing the city in a frame of imposing proportions and exquisite coloring. In the clear atmosphere the mountains seem very near, but they give only the sense of protection without any oppressive feeling of restriction, of being shut in, such as one so often experiences in cities built near high mountains. The visitor, perhaps unconsciously, keeps ever in mind that longitudinal valley of incomparable richness and fertility in which Santiago lies, and which makes of this part of Chile a region that experienced travellers have regarded as one of the earth's most attractive garden spots.

It was an altogether charming and impressive glimpse that we got of the Chilean capital on that perfect October morning with the comfortable sun shining from a deep blue sky and a gentle but invigorating breeze blowing from the mountains. Such days, I am told, are a common experience in Santiago, where rarely does it become uncomfortably hot or uncomfortably cold. From the historic Cerro Santa Lucía we saw the city in panorama, a metropolis of half a million inhabitants with wide, straight avenues, large public buildings of pleasing architecture and statues and monuments worthy of the capital of a great and powerful nation.

In the afternoon I called upon the Minister of Foreign Affairs, Señor Enrique Villegas, and through his courtesy I had the honor of being presented to the President of Chile, Señor Barros Luco, who expressed a most sympathetic interest in the objects of my visit.

From the audience with the President we went directly to the University of Chile where, before a large gathering of representative men and women and many students of the University, I received a diploma, conferring honorary membership of the Faculty of Law and Political Science, which is their form of conferring an honorary degree. The Rector of the University, Dr. Domingo Amunátegui, made a brief speech of introduction, which was followed by an address of welcome delivered by Dr. Luis Barros Borgoño, Dean of the Faculty of Filosofía y Humanidades. In my reply, I followed closely the lines of the address delivered in Buenos Aires and Montevideo descriptive of the work and purposes of the Endowment and of the objects of my visit.

This was the first opportunity there had been on the west coast of South America of introducing to the public the work of the Endowment and asking coöperation, and I was anxious to compare the interest of the people with that which had been shown in the cities of the east coast. It is not possible for me to convey the gratification, encouragement and inspiration the manifestations of enthusiasm gave me, for it was at once evident that in Chile as in Argentina, Uruguay and Brazil, the Trustees would find zealous co-workers. I can never forget the scene as we left the hall with the students cheering as we passed and shouting their approval. Students at universities are pretty much alike the world over; if they disapprove, no forcing of their good opinion is possible; if they approve, there is no restraining of their expression. I was glad that the work of the Endowment had stirred their imagination and won their sympathy. It will mean much to the cause in the future, for tomorrow these young men will be the leaders to whom the Endowment must look for support.

The next morning there was another delightful ride about the city with Señor Huneeus and other members of the committee, followed by a luncheon at the Legation, and afterward we went to the races where the official and social life of the capital had gathered. There can be few more beautiful spots in the world than the grassy plain of the Santiago race course with the mountains rising just beyond. At a reception later at the house of Dr. Luis Barros Borgoño,

which the President attended, we had another delightful opportunity of getting to know better those whose cordial hospitality had already made us feel so welcome.

In the evening I went to a most interesting dinner given by the Minister of the Treasury, Señor Alessandri, at the Club de la Union.

To Señor and Señora Huneus, whose hospitality and indefatigable attentions added so much to our enjoyment, and to Señor Urrutia and his charming wife, whom we had known in Washington, to Señor Astaburuaga and others we owe a debt which we can never repay. Largely through them we met, during our short stay in Santiago, many members of the old families, who give to the society of the Chilean capital the cosmopolitan culture for which it is noted throughout the world. Nothing could have given us more pleasure than to meet their friends. At a dinner and reception at the house of Señora Edwards and her son, Señor Augustin Edwards, Chilean Minister to the court of St. James, at an afternoon reception given for us by Señora Montt, widow of a distinguished president of Chile, and at the houses of other acquaintances, we were able to appreciate how thoroughly delightful life must be in this favored part of America, where, in beautiful surroundings and with climatic conditions as nearly perfect, perhaps, as can be found anywhere, a civilization exists which combines old Castilian charm with the progress and virility of the new world. Nor should I omit to mention among these very agreeable memories, how particularly pleased I was to meet Don Julio Foster, who, for most of his ninety years, has been a prominent figure in the life of Santiago.

The last two days of our stay in Santiago were largely given over to many conversations with Señor Huneus, Señor Astaburuaga and other members of the committee and Señor Philippi, Señor Ricardo Montaner Bello, Dr. Amunátegui and others representative of the University, all of whom had so greatly aided me with their advice.

The formation of a committee was undertaken for the organization of a national society of international law. We were particularly fortunate in having the coöperation of prominent Chileans whose support left no room for doubt of the success of the undertaking: Señor Antonio Huneus, former Minister of Foreign Affairs; Dr. Luis Barros Borgoño, Dean of the Law Faculty of the University of Chile; Dr. Amunátegui Solar, Rector of the University of Chile; Señor Ricardo Montaner Bello. Since my return to the United States I have had the pleasure of receiving an evidence of the activity of these eminent gentlemen in the form of a circular announcing the permanent organization of the national society.

All these experiences had been extremely gratifying, for those with whom I talked seized every occasion to express their entire approval of the Endowment's program and had demonstrated in a practical way their willingness to work together with the Trustees.

In the meantime the officials of the government had continued their kind attentions. There had been an interesting visit to the Military School, where

I had luncheon with the Minister of War, Señor Jorge Matte Gomaz, and met the chiefs of the army who are largely responsible for the efficiency of the Chilean soldiers, which has called forth the praise of authorities from many countries. We were fortunate in seeing a very fine drill. On the evening following we had the pleasure of attending a large dinner given by the Minister of Foreign Affairs, Señor Enrique Villegas, and followed by a ball at the Club Hipico.

We left Santiago for Valparaiso early in the morning on October 29th, in a special car which the Government had placed at our disposal. Mr. Harvey, Señor Huneeus, Señor Lynch, representing the Foreign Office, and others were at the station to bid us farewell.

It had been our wish to remain long enough in Valparaiso to gain acquaintance with its leading citizens, but the limited time we could spend on the entire South American trip made this impossible. I did, however, find time to call upon the Municipal Intendente who had kindly sent his launch to take us out to the steamer.

We were met at the station by Captain Johnson, the American Naval Attaché, and Consul General Winslow, and had luncheon with them at the English Club, afterward driving to the heights overlooking the city. It is a tribute to the people of Valparaiso and to the Chilean character that their principal seaport which was almost destroyed by an earthquake in 1906 should have been built up again so quickly and better and more beautiful than it was before.

We left Valparaiso at four o'clock in the afternoon on the steamship *Oronsa* of the Pacific Steam Navigation Company, quite loth to depart from shores that had been so hospitable to us.

The Republic of Chile is keeping pace with the progress made by the great Republics of the east coast of South America. She has contended against difficulties considerably greater than those which have confronted her eastern sisters, for their closer proximity to Europe brought to them an earlier solution of the great South American problem of rail-and-water communication upon which the progress of every nation must largely depend. Traffic by sea between Chile and the countries of Europe has necessitated the long and arduous passage through the Magellan Straits or the difficult voyage around the Horn. Railway communication with the outside world has been confined until recently to that obtained by the passage of the Andes on mule-back, a journey impossible during several months in the year. The tunnel joining the Chilean and Argentine ends of the Trans-Andean railway, uniting a great trans-continental system of transportation, solved the land problem, and other trans-Andean railways are in contemplation or in actual course of construction, which will greatly increase these facilities. The problem of communication by water will be solved by the Panama Canal.

Even a brief visit to Chile is sufficient to impress one with the belief that the present prosperity it enjoys must rapidly increase. The natural conditions point convincingly to such a conclusion and the Chileans themselves are such a

virile, determined people, united in their love for their beautiful country and the desire to promote its development, that the future of Chile seems very bright. Surely we of the United States have every reason to hope that it will be so.

Ever since the birth of the Republic the welcome extended to foreigners has been in keeping with the hospitality for which the Spanish race is famed and this has resulted in a broad, cosmopolitan spirit, but, though the Chileans make the stranger welcome, no more sensitive or prouder people exists. They are not arrogant, but they have a proper patriotic pride in the achievements of their illustrious men and they are correspondingly quick to resent any action or attitude which is not in keeping with their high sense of personal and national dignity.

In the more intimate relations between the people of Chile and the people of this country which are sure to be brought about by the opening of the Panama Canal, it is well for us to remember these things, in order that we may not through thoughtlessness or ignorance give offense, but try in every way to cement the present bonds of friendship which bind us to our sister republic.

### In Peru

From Valparaiso to Callao and from Callao on northward until the Guayaquil River is reached, the steamer is never out of sight of land. The course follows the straight line of the shore, generally hugging it so closely that the surf can be seen breaking at the foot of the arid mountains. The higher summits to the eastward have robbed the winds of their moisture by the time they reach the coast, so that from the deck of the steamer the traveller looks upon a region as bleak and often as weirdly fantastic in contour as the landscapes Doré painted to illustrate Dante's verse. League upon league of land, destitute of all vegetation, is passed, but, despite its barrenness, the prospect is made interesting by the vividness of the coloring. In the changing lights of morning, noon and evening, one may see displayed upon the peaks and in the valleys all the colors of the spectrum, from red to violet, with the striking exception of green, which lack the tossing sea in the foreground supplies. For two thousand miles or more the ship sails under the lee of these hot, desert mountains which need only the touch of water to convert them into hanging gardens of tropical luxuriance.

We were told that storms along the coast were rare; almost unknown, the captain of our steamship informed us; so that the ships may with impunity hug the shore, for deep water is to be found within a few yards of the narrow stretch of beach which generally runs like a yellow ribbon at the foot of the mountains. A heavy swell is constant and at times causes the ship to roll uncomfortably, particularly when the vessel is at anchor, but, for the most part, the voyage along the western coast of South America resembles a yachting cruise more than the ocean trip to which Atlantic travellers are accustomed. The Humboldt current, sweeping up from the Antarctic, keeps the journey toward the Equator from becoming uncomfortably hot.

Sea-birds, flying-fishes and the larger inhabitants of the ocean, porpoises and whales, are companions of the voyage in sufficient numbers to divert the attention from the seemingly endless panorama of reddish mountain land. At times thousands of birds are to be seen in the air at once and occasionally a guano island is passed, literally covered with birds.

The *Oronsa* called at six ports between Valparaiso and Callao, anchoring in the open roadstead, for harbors are practically non-existent, while cargo or passengers were unloaded or taken on.

Coquimbo was our first stopping place, a small but important shipping port with good anchorage, a day's journey from Valparaiso. The next day we put in at Antofagasta which lies on the Tropic of Capricorn. It is the port of entry for Bolivia. To all of us it had been a source of deep regret that we did not have time to go to La Paz, but the distance of the Bolivian capital from the seaboard and the inability to arrange satisfactory steamship connection rendered a visit to La Paz impossible. From Antofagasta, a telegram was sent to our Minister in Bolivia, expressing the regret we felt in being at the port of La Paz, but unable to undertake the two days' journey over the mountains to the inland Republic, whose bright future must be the hope and expectation of all who are familiar with the difficulties she has already successfully overcome in her rapid recent development.

At Antofagasta a representative of the Intendente came aboard to give us an official welcome, and we received a visit from the United States Consular Agent. Our ship stopped also at Iquique, Arica, Arequipa and Mollendo, and we sent from Arequipa a message of greeting to those who have charge of Harvard University's observatory on El Misti.

The sun was setting when we arrived at Callao on November 3rd. It is an excellent harbor, by far the largest and best we had seen on the west coast, but as yet the ships do not come alongside the piers. A launch had been sent out for our party and we started ashore in it before the *Oronsa* had reached her regular anchorage. In the confusion incident upon this we failed to meet Mr. Pennoyer, our Secretary of Legation, Señor Germán Cisneros y Raygada, of the Foreign Office, who had come out to welcome us officially, and others who did not come aboard before we left; but we had the pleasure of seeing them soon after at the hotel in Lima and many other times subsequently, for they were untiring in their constant and valuable assistance during our stay in Peru. Though we missed Señor Cisneros and Mr. Pennoyer at the steamship, we had the pleasure of meeting Dr. Juan Bautista de Lavalle and other members of a committee who greeted us in the name of the Faculty of Law of the University of San Marcos. Great indeed, too, was our delight to meet again Señor Felipe Pardo, whom I had known in Washington when he was the Peruvian Minister there.

Lima is seven miles from Callao and we went there in one of the electric cars which run at frequent intervals between the port and the capital. The car

had been placed at our disposal, another mark of attention from the Government, whose friendliness was constantly manifested. The President, Señor Billinghurst, placed his own automobile under my orders during our entire stay in Lima.

It was dark when we arrived in the city, but our glimpses as we drove to the Hotel Maury from the station produced a most agreeable impression and this was subsequently confirmed and strengthened. The antiquity of Lima, the individual and picturesque character which it has so charmingly preserved, the romantic and brilliant part it has played in American history, all serve to attract the visitor, but, in addition, there are striking evidences of the modern spirit of progress which Lima shares with other South American capitals, and which render a visit to the Peruvian capital essential to any one who seeks a comprehensive acquaintance with the present conditions of our Southern neighbors. Wide streets, beautiful squares, crowded business thoroughfares, attractive residential districts, all testify to the social and commercial importance of the city.

Peru has had to contend against great difficulties. Her remoteness from Europe and from the United States has served to isolate her, but that day has passed or is rapidly passing. In the extent and variety of her natural resources few nations of the world are so rich and the time must soon come when these riches will bring to her people a new era of prosperity greater than any they have enjoyed in the past. To one whose acquaintance with the Republic is confined to a brief visit and much reading, this development would seem to be inevitable.

On the day following our arrival in Lima, I called upon the American Minister, Mr. Benton McMillin, in the morning and in the afternoon upon the Minister of Foreign Affairs, Señor Tudela y Varela, through whose courtesy I was presented to the President, Señor Billinghurst. The President's reception was extremely cordial. He spoke English perfectly, and showed a deep knowledge of the affairs of the United States. In the objects of my visit and the work of the Endowment he manifested a most friendly interest.

Upon returning to the hotel I found that many persons had called and the visits continued after my arrival. Dr. Lizardo Alzamora, Rector of the University of San Marcos and Dr. Eleodoro Romero, Dean of the Faculty of Law, were among those who took this early opportunity to promise their coöperation in the objects for the accomplishment of which the Endowment had instructed me to visit Peru.

The next day was taken up entirely with visits. I found the most friendly interest everywhere and the warm hospitality of every one, the sincere desire to be of service, made us all quickly feel that in heart at least, we were not strangers. The leading men gave me freely the benefit of their invaluable advice, devoting their time with the utmost willingness. I can never sufficiently thank them. Were I merely to mention the names of those to whom I am indebted, the list would fill several pages and even then be incomplete, but elsewhere I have taken occasion to express my gratitude to a few of those whose services so conspicuously helped me.



In the evening we met new acquaintances and renewed others at a dinner and reception which Señor and Señora Felipe Pardo gave for Mrs. Bacon and myself.

I had an opportunity the next afternoon to explain to a distinguished gathering the methods and purposes of the Endowment. The University of San Marcos conferred upon me honorary membership in the Faculty of Jurisprudence, and the ceremony was made the occasion for an address by Dr. Eleodoro Romero, Dean of the Faculty, who presented me with a diploma and the medal of the corporation. In my response I described in detail, as requested by members of the Faculty, the work of the Endowment, following the lines of previous addresses. I cannot leave this subject without expressing the gratification it gave me to receive this honor and to have the privilege of speaking at the oldest seat of learning on the American Continent. It must fill any American with pride and reverence to enter the beautiful patio of the University, climb the ancient stone stairway to the wide verandas and visit the great halls with the portraits of rectors of the University from the time of its foundation in 1551, looking down from the walls. Through centuries of great stress, through war and revolution and untold hardships, earnest teachers and students of San Marcos have kept brightly burning the first lamp of learning lighted in the new world.

From the University we went to the American Legation, where the Minister and Mrs. McMillin were giving us a charming garden party.

There were further interviews the day following with Dr. Manuel M. Mensones, Dr. Manzanilla, Dr. Maúrtua, Dr. J. A. de Lavalle of the Supreme Court and his son, Dr. Juan Bautista de Lavalle and with others, interspersed by visits from Señor Pardo, Professor Wiese, who had met us at the steamer, Dr. Julio Tello, a Peruvian who graduated from Harvard in 1909 and who is now Curator of the National Museum, Señor Cisneros, Mr. Pennoyer and a host of others, who had seized every opportunity to render their valuable services. I had a most enjoyable talk with Dr. Ramon Ribeyro, one of the finest of the elder statesmen of Peru, who has long been prominent in the intellectual life of the Republic, and who readily gave me the benefit of his advice and great experience.

In the afternoon the University Club gave me a reception at which brief speeches were made by the President, Señor Luis G. Rivera, and others. In the evening there was a large banquet given by the Minister of Foreign Affairs and Señora Tudela y Varela. The Minister proposed a very gracious toast to which I responded.

The following morning we made an interesting visit to the Senate upon the invitation of General Eléspuru, President of the Senate. In the afternoon the Colegio de Abogados, or Bar Association, conferred upon me the honor of honorary membership, presenting me with a medal. I was introduced by the Acting Dean, Dr. Manuel F. Bellido, and in reply spoke on the subject of the

American Institute of International Law and the national Societies of International Law. Dr. Anibal Maúrtua followed with a discourse, after which there was the "copa de champaña," and many exchanges of friendly sentiments.

The Geographic Society also conferred honorary membership upon me and there was a short speech of presentation of the diploma by Señor José Balta, the President of the Society.

With extreme pleasure I look back upon the banquet offered in my honor by the University of San Marcos in the great hall of which I have already spoken. It was, as far as public entertainments were concerned, the occasion of our leave-taking of South America, and surely I could not have imagined any form of farewell which would have left in our minds more appreciative recollection. The informality, the cordiality, the good-humor and the good friendship of the occasion all served to make it memorable. Dr. Romero and Dr. Javier Prado y Ugarteche made delightful informal speeches, in reply to which I found it difficult to express the gratitude I felt.

The two days before our departure on November 11th, were devoted to visits and to organizing the work that was to be done. A very strong committee was got together as a basis for the permanent organization of a national Society of International Law. Its membership included:

- Dr. Francisco Tudela y Varela, Minister of Foreign Affairs;
- Dr. Lizardo Alzamora, Rector of the University of San Marcos;
- Dr. Ramon Ribeyro;
- Dr. Javier Prado y Ugarteche, Senator, member of the Faculty of the University;
- Dr. Eleodoro Romero, Dean of the Faculty of Law;
- Dr. José Matías Manzanilla, member of the Faculty of the University;
- Dr. Adolfo Villagarcía;
- Dr. Antonio Miró Quesada, editor of *El Comercio*;
- Dr. Alberto Ulloa, editor of *La Prensa*;
- Dr. Anibal Maúrtua, member of the Faculty of Law;
- Dr. Victor Andrés Belaunde, Professor of International Law;
- Dr. Juan Bautista de Lavalle, member of the Faculty of Law.

For the position of Honorary Secretary of a national Society for International Conciliation we were fortunate in obtaining the acceptance of Dr. Juan Bautista de Lavalle, member of the Faculty of Law of the University of San Marcos.

I had the privilege of attending on the last day of our stay in Lima, the opening session of the Latin-American and Pan-American Medical Congress. Many of the delegates to this Congress had been in Lima throughout the period of our visit, some having come from the South with us on the *Oronsa*, and I had had many interesting conversations with Dr. Odriozola, the President of the Congress, Dr. Domingo Cabred, of the Argentine delegation,

Dr. Gregorio Amunátegui Solar, of Chile, Dr. Nascimento Gurgel and Dr. Placido Barbosa, of Brazil, and others.

It would have been difficult if not impossible to find a body of men more thoroughly representative of Latin-American thought and culture than this body of scientists, who, in a practical manner, were devoting their lives to a humanitarian purpose and by international gatherings, such as that which, before a distinguished audience including President Billingham, was convened in Lima on November 10th, were contributing so effectively to the better understanding between nations.

So greatly impressed had I been with the fact that these eminent leaders in their profession were achieving in their work some of the objects for which the Endowment was founded, that I took the liberty of suggesting to some of their members the possibility of sending delegates from the Congress to visit the United States under the auspices of the Endowment. The suggestion met with ready approval and it is a source of deep gratification to me that the Trustees have also acted favorably upon the proposal. It is not necessary to dwell upon the importance of such visits and the great good that must surely result from them.

Our visit to Lima had been of longer duration than any other visit we had made in South America, and this fact afforded to some of our party the opportunity for sight-seeing. One day had been devoted to an inspection of Inca mounds near the city, a highly interesting excursion, taken under the personal guidance of Professor Carlos Wiesse, who had been most attentive. On another day some of us had taken an excursion over the Central Railway into the mountains on the way to Cerro de Pasco, and were afforded an excellent opportunity of inspecting this truly wonderful example of mountain railway engineering which had sprung a half a century ago from the brain of an engineer from the United States, Henry Meiggs.

The nine days we were in the Peruvian capital are crowded with souvenirs of the kindness of its charming people. There were frequent visits to the houses of members of the old society, the oldest, I believe, on the American continent, where Spanish traditions of hospitality were first transplanted in the new world. To Señor and Señora de Barrera, the parents of Señora Felipe Pardo, who, with her husband, did so much for us while we were in Lima, we shall always be deeply indebted and there are memories of other delightful visits; of an afternoon at the historic Casa de Torre-Tagle, one of the finest examples of the ancient Spanish architecture in South America, where we had tea with members of the Ortiz de Zavallos family; of a tea at the house of Dr. Prado y Ugarteche, a luncheon with Señor Alvarez Calderon and Señora Alvarez Calderon de East and of other informal meetings with Peruvian acquaintances whom we quickly came to regard as friends.

When we left Lima for Callao a great number of our friends were at the station to bid us good-bye. Among them were the Minister of Foreign Affairs,

Señor Tudela y Varela; the Military representative of the President; Señor Cisneros; Mr. and Mrs. McMillin; Señor and Señora Felipe Pardo; Señor Alvarez Calderon; Dr. Alzamora; Dr. Romero; Dr. de Lavalle; Professor Carlos Wiese; Mr. Pennoyer and a great many others who had done so much to make our visit enjoyable.

We left Peru with a feeling of deepest gratitude for all the evidences of friendship we had seen and with a lively sense of regret that our enjoyable visit could not be prolonged. The cordiality, the real friendship which the countries we visited had expressed and shown for the United States was nowhere more marked than it had been in Lima, and the Trustees of the Endowment will have there a most effective support.

With the increased immigration which must, it would seem, naturally follow upon the opening of the Panama Canal, Peru will assume a more important place in American affairs. It is in this looking toward the future that one finds the greatest encouragement in the present fraternal attitude of its leaders of public opinion. Our intercourse must become daily more frequent and with it the clearer realization that here, close to the south of us, is a nation with ideals similar to our own, which, in spite of obstacles, is pushing steadily forward in the path of progress, and which never loses an opportunity of manifesting its friendliness toward the United States.

### In Panama

The Peruvian steamship, *Mantaro*, on which we journeyed northward, was a very comfortable ship, kept scrupulously clean. We put in at Salaverry, Pacasmayo, Eten and Payta, seeing on our way many evidences of the recent development of the mineral and oil lands near the coast.

We arrived in the Bay of Panama, a beautiful bay, flanked with wooded islands, on November 18th, and remained on board until the next day, when the quarantine period expired. The very sight of the city of Panama must inspire varied emotions in an American. Near here began, under the indomitable Pizarro, the conquest of the great countries we had just left. It was to this coast that he came with Balboa in that first journey across the isthmus, and it was here that he returned after defeat, which made him all the more determined to push on into the unknown lands to the south, the "ultimate dim Thule" of adventurous explorers. And now the city is the southern portal of that "bridge of water" which has been built by heroes of to-day not less indomitable than were Pizarro and his band of conquistadores. Once the starting place of expeditions which transformed a continent, Panama is now the scene of what has been called the last great transformation of the earth's arrangement left for man to undertake.

Colonel Goethals had sent out a launch for us with an aide who gave us our first real view of the canal, taking us as far as the Miraflores locks. Returning, we put ashore at Balboa, and went thence by train to Panama. This interesting excursion had been the cause of our missing the American Minister, Mr. William Jennings Price, the Secretary of the Legation, Mr. Wicker, and Señor Lefevre, Minister of Foreign Affairs, and other officials of the Panamanian Government, who had been to the landing stage at Panama to give us an official welcome. We had the pleasure of seeing them later at the hotel, and the next day with Mr. Price I paid a visit to Señor Lefevre, through whose courtesy, I had an audience with the President. We were in Panama only that day and a part of the next. I took the occasion, however, to talk with representative men and from them I learned that the Republic of Panama offers an excellent prospective field for some of the activities in which the Endowment is interested, but the immediate present was considered an inauspicious time in which to undertake the work. The approaching opening of the canal, the comparative newness of the Republic, and the many questions of internal organization and development all serve to occupy the public interest and it was considered advisable to postpone for the moment the discussion of other matters.

Señor Lefevre and Señor Estripeant, aide-de-camp of the President, were most attentive and I cannot sufficiently thank them or our Minister, Mr. Price, for their kindness.

After a final morning of sight-seeing and a luncheon at the home of Colonel Judson, who had taken us on a most interesting tour of inspection of the Gatun Locks, we sailed from Colon for New Orleans on November 20th, arriving there five days later.

It had been our desire to visit Venezuela and our itinerary had originally included Caracas, but we found, upon arrival at Panama, that the steamship connections with La Guayra were such that we would be unable to make the journey in the limited time at our disposal.

We expressed our regret in a letter to the American Minister at Caracas, and took the liberty of sending to him copies of the pamphlets we had distributed among representative South Americans, for the purpose of distribution among the leading men in Venezuela.

We arrived in New York on Thanksgiving day, November 27, 1913, just two months and four days after our departure from Lisbon. This mention of the time occupied by our long journey may be helpful in correcting the general impression in the United States that a visit to South America requires more time than is usually allotted to a summer's tour of Europe or a winter sojourn on the Mediterranean. It is difficult to imagine a tour of ten weeks more varied or more filled with interest. From a scenic standpoint the journey is of almost incomparable beauty, but the thought that must chiefly hold and thrill the visitor is that he is observing new races and new countries in the most interesting stages

of their evolution. These nations are destined to play a great part in the future, and it requires no strain upon the imagination to picture the vast unoccupied lands in the South American continent as the theatre of a new world development.

It is a duty we owe to ourselves, and one which the Endowment may well help our people to fulfill, to get into closer contact with our friends in South America. Almost surely, I believe, the travel between our countries will increase, and with this better knowledge of each other will come truer and more enduring friendships.

Respectfully Submitted,

ROBERT BACON.

March 15, 1914.

## *Interview in The New York Evening Post,*

DECEMBER 13, 1913

As the representative of the Carnegie Endowment for International Peace, Robert Bacon, ex-Secretary of State and ex-Ambassador to France, has just returned from a tour of Brazil, Argentina, Uruguay, Chile, and Peru. The journey was made for purposes connected with various activities in which the Endowment is interested. These include the formation of societies of international law which are to be affiliated with the American Institute of International Law, founded in 1912, and of which Elihu Root is the honorary president. Mr. Bacon's visit had also the object of organizing Associations of Conciliation and arranging for the interchange of visits of representative men between this country and South America and the exchange of professors and students of universities. By these means the Endowment hopes to establish closer relations between the nations of the Western Hemisphere.

"It is difficult to exaggerate," said Mr. Bacon to-day, "the manifestations of friendliness for the United States which were exhibited in every country. In spite of misrepresentations and misunderstandings, caused nearly always by our ignorance of the real conditions in South America, we have no truer friends anywhere in the world than in these sister republics of the same continent. They welcome every opportunity to testify their regard for us."

From this city Mr. Bacon went first to the Philippines by way of San Francisco and continued his journey westward through Japan, China, and Siberia, to Europe, sailing from Lisbon for Rio de Janeiro on September 23.

After visiting Brazil, Argentina, Uruguay, Chile, and Peru, he went from Lima to Panama, and returned to New York by way of New Orleans. In all he travelled about 35,000 miles. On his journey around the world he was accompanied by Mrs. Bacon and Miss Bacon. Otto Schoenrich, president of the Nicaraguan Mixed Claims Commission, and Mrs. Schoenrich, and W. R. Hereford joined the party in Paris for the South American tour.

### **Across the Andes by Rail**

In describing the purposes of his visit Mr. Bacon said:

"I went to South America with instructions from the President of the Endowment, Senator Elihu Root, regarding specific objects in connection with activities in which the Endowment is interested. From Rio de Janeiro we went next to Buenos Aires, crossing the Plata River to Montevideo; then returning to Buenos Aires, and proceeding to Santiago de Chile by the wonderful Trans-Andean Railway, a narrow-gauge road, which ascends to a height of 10,500 feet, passing near

some of the loftiest mountains of this hemisphere. From Santiago we went by steamer to Callao, the port for Lima, and thence by a comfortable Peruvian steamer to Panama."

Mr. Bacon thus explained the friendly reception he met with:

"The visit to South America made by Mr. Root in 1906, when he was Secretary of State, has had an enduring effect in bringing about a better understanding between the Latin republics and the United States. That visit is vividly remembered and constantly referred to in the speeches and writings of the brilliant representatives of public opinion throughout South America. To it, perhaps, more than to any other single circumstance is to be attributed the present attitude toward us; for Mr. Root, as will be remembered, by his doctrine of sympathy and understanding, of kindly consideration and honorable obligation, was able to allay or eradicate the suspicion and distrust of our motives that had been slowly engendered.

"It is the belief of Mr. Root and his fellow trustees of the Carnegie Endowment that a great part of the misunderstandings between nations arises from a lack of knowledge of each other, a lack of knowledge of conditions and sentiments. The Endowment seeks by practical means to overcome this ignorance.

### Objects of the Visit

"The objects of my visit to South America included the formation of national societies of international law; the organization of associations to be affiliated with the Association of International Conciliation in Paris, of which Baron d'Estournelles de Constant is the president and founder; the arrangement for an exchange of visits of representative men from the Latin republics to the United States and from this country to South America, and for a similar exchange between the professors and students of their universities and our own.

"The Institute of International Law, founded in 1873, is composed of the most eminent juriconsults of Europe and America. The American Institute was founded a little more than a year ago with Senator Root as the honorary president and Dr. James Brown Scott as president. The aims and objects of each Institute are largely identical, but, as was asserted by the founders in the formal statement of the aims and objects of the American Institute, 'the part that treats of war is of secondary importance, as the proposers believe that the principles of international law are generally applicable and should be studied and developed so as to maintain the status of peace, which so fortunately exists between the American republics.'

"By the formation of these national societies, it is hoped to popularize the principles of law governing the relations of nations so that, in course of time, governments will be obliged by popular opinion to conduct themselves with due regard to such principles.



“Through this initiative of the Endowment national societies of international law have now been either actually formed or are in process of formation in Rio de Janeiro, Buenos Aires, Montevideo, Santiago de Chile, and Lima. They will be affiliated with the American Institute and their intercommunication through the Institute will afford a new and valuable means for the exchange of ideas between the leaders of opinion in North and South America.

“I also had the honor of explaining and inviting participation in the proposed Academy of International Law at The Hague, and of suggesting the necessity of the appointment of national committees for the discussion of contributions to the programme of the next Hague Peace Conference. The work of the Division of Economics and History of the Endowment was also explained.

“In no better way, perhaps, can an understanding of each other by the republics of America be accomplished than by an exchange of visits of representative men and an exchange of professors and students of universities.

“In scientific and professional life there is now such an international exchange constantly going on. Congresses of representative men from all over the world meet and reap immeasurable benefit from the exchange of ideas, and by these exchanges the nations, through their representative men, are drawn into a closer communion with each other, with a resultant better international understanding.

“Under the auspices of the Division of Intercourse and Education of the Endowment, of which Dr. Nicholas Murray Butler is the Director, Baron d’Estournelles de Constant, of France, the Baroness von Suttner, of Austria, and Professor Nitobe, of Japan, have already visited the United States, and President Eliot, of Harvard University, has visited India, China, and Japan, and Dr. Hamilton Wright Mabie has visited Japan.

“It is hoped in the near future to have visits from representative South Americans to the United States, and it is the purpose of the trustees of the Endowment to continue the exchange of visits thus begun.

“It is expected, also, to inaugurate an exchange of professors between South American universities and the universities of this country, and to arrange the details of an exchange that will include the students of universities.”

Mr. Bacon spoke frankly of how the Endowment expected to achieve its ends and of the aid which will be accorded it by influential South Americans.

“Through these practical methods the Endowment is endeavoring to establish closer relations between nations,” he explained. “It is not to be hoped that the results achieved will be immediately apparent. The very fact that persons impatiently expect visible evidences of the progress made has led to much of the pessimism and skepticism one encounters when discussing these subjects.

“As Mr. Root has pointed out: “The trustees of the Endowment are fully aware that progress in the work which they have undertaken must necessarily be slow, and that its most substantial results must be far in the future. We are dealing with aptitudes and impulses firmly established in human nature through the development of thousands of years, and the utmost that any one generation

can hope to do is to promote the gradual change of standards of conduct. All estimates of such a work, and its results, must be in terms not of individual human life, but in terms of the long life of nations. Inconspicuous as are the immediate results, however, there can be no nobler object of human effort than to exercise an influence upon the tendencies of the race, so that it shall grow, however slowly, in the direction of civilization and humanity, and away from senseless brutality.'

"The leading men of South America are very far advanced in their understanding and appreciation of the good that must follow these international exchanges. The rapid, material development of their wonderful countries has in no way blunted their lofty idealism, and nowhere can there be found men more willing or more able to work together for a common, humanitarian purpose. All that is suggestive of social progress makes an immediate appeal to their sympathies."

Mr. Bacon had enthusiastic accounts of the condition of the countries which he visited, and the impression made upon him by their inexhaustible resources. He regarded immigration as a principal factor in their future.

### The Country of the Future

"In regard to the development which I observed, I cannot sufficiently impress its significance upon our own country," said Mr. Bacon. "Some of these republics are advancing so rapidly that each succeeding year will mark an important change. The people have been beset by obstacles greater than those that confronted our forefathers, and but little understood by us here, but, in spite of them, they have forged ahead until the civilization of their larger centres compares favorably with the older civilization of Europe.

"It must strike any one who visits South America that it is the country of the future. The natural resources are so vast that they may be said to be almost inexhaustible. Although so much has been written and spoken about this wealth, we have only the vaguest conception of it, and the part it must play in the history of civilization in the near future.

"The people come of sturdy stock. In this country, our people, because of their lack of knowledge, are apt to class Latin-America as a whole, but the racial and other differences between the peoples of the various republics are as great as the differences between the peoples of the various countries of Europe.

"As yet the countries of South America, even the larger countries like Brazil and the Argentine, are sparsely settled. Immigration has been checked by distance and the difficulties of travel, but these conditions are disappearing. The improved means of communication are bringing more and more people to their shores. German, English, French, Italians, and Japanese have been quick to realize the opportunities that await them there."

Travellers who contemplate visiting South America, Mr. Bacon says, will find adequate railway and steamship facilities, "There is," he said, "great and sub-

stantial benefit to be derived from an acquaintance with our South American neighbors, of whom too many of us are, unfortunately, profoundly ignorant. The representative men and women of these countries have all the charm and grace and intellectual culture for which the Latin races are famous. Their warm-hearted hospitality is proverbial. Personally, I shall never forget, nor can I adequately express my appreciation of, the kindness and courtesy of their welcome."

*Editorial from The American Journal of International Law,*

JANUARY, 1914

Last fall the Honorable Robert Bacon, formerly Secretary of State and Ambassador to France, undertook a journey to South America on a mission for the Carnegie Endowment for International Peace, "to secure the interest and sympathy of the leaders of opinion in the principal Latin-American Republics, in the various enterprises for the advancement of international peace which the Endowment is seeking to promote; and by means of personal intercourse and explanation to bring about practical coöperation" in these undertakings. With the exception of Mr. Root's official visit, as Secretary of State in 1906, no journey by a citizen of the United States has done quite so much to encourage and stimulate the development of cordial and helpful international relations between the republics of North and South America, as this memorable trip of Mr. Bacon. He visited Brazil, Argentina, Uruguay, Chile and Peru, being prevented by difficulties in arranging steamship and railroad connections from visiting the other countries as planned in his itinerary. In each country visited, Mr. Bacon was received with the utmost cordiality by the government, and officially entertained. The diplomatic representatives of the United States did everything in their power to render his stay in the capital cities effective of results; and prominent citizens representing all elements of the business, professional and social life vied with each other in imparting to his mission the dignity and significance which its importance bespoke. The University of Santiago gave him an honorary degree, as did also the University of Lima; and various scientific and legal societies elected him to honorary membership. His mission was everywhere welcomed sympathetically in the newspaper press, which fully reported his public addresses. The success of his mission was greatly promoted by his ability to address his audiences in the Spanish, Portuguese and French languages.

Mr. Bacon's more important addresses were delivered in Rio de Janeiro, under the auspices of the Brazilian Academy, the Institute of the Order of Advocates, and also at the American Embassy; in Montevideo at the Ateneo, under the auspices of the University; in Buenos Aires, before the Faculty of Law of the University; in Santiago, at the University of Chile; and in Lima, at the University of San Marcos and before the Colegio de Abogados.

In each of these addresses and in his numerous conferences with the government officials, with educators and distinguished citizens, Mr. Bacon directed attention to certain of the specific plans of the Endowment, one of the most important of these being the formation of national societies to be affiliated with the American Institute of International Law. In each country visited, com-

mittees were at once appointed to organize such societies, and in several of them the organization has already been effected. This feature of Mr. Bacon's work is of especial interest to the readers of this JOURNAL; and we may safely predict that as a result of it this promising institution will soon become an actual reality, establishing a new point of contact and a new bond of sympathy between the jurists and the statesmen of the northern and southern hemispheres. Both political circumstances and geographic situation have created new and special conditions, making possible understandings which, while not inconsistent with or antagonistic to the principles of European international law, permit agreements upon matters regarding which the rest of the world cannot yet agree. A distinguished professor of law at Padua stated the case concisely and completely, when he said that "the probable coöperation of two autonomous institutes is preferable to the practically impossible collaboration between dissimilar elements of the same association."

Mr. Bacon suggested the active participation of the several governments in the proposed Academy of International Law at The Hague, and we may anticipate the cordial acceptance by each of the formal invitation to this end. His suggestion that the Latin-American states appoint committees for the consideration of contributions to the program of the Third Hague Conference and the intercommunication of such committees among all the American countries, excited unusual interest, especially in Brazil, where it is expected that steps to this end will be taken at once. He was also most fortunate in his appeal for the organization of national branches of the Society for International Conciliation, to be affiliated with those in Paris and New York. In four of the countries visited competent and energetic organizing secretaries have already been appointed and are at work. While the South Americans have not taken kindly to peace societies, of the ordinary pacifist kind, they quickly respond to the principle upon which the Conciliation was founded, which looks to the friendly adjustment of international quarrels through arbitration and other similar methods.

Mr. Bacon discussed fully the plans of the Endowment for the exchange of visits of representative men between the two continents, and also the proposed exchange of professors and students. Each of these projects met with sympathetic response, and Mr. Bacon reports that the time is already ripe for the inauguration of the exchange of professors. One difficulty presents itself in the limited number of Latin-Americans who have a speaking knowledge of English, and on the other hand the equally limited number of North Americans who are familiar with Spanish. This difficulty in the way of closer intercourse between the two continents we are at length beginning to realize; it is a great mission of our higher educational institutions to gradually overcome it.

It thus appears that Mr. Bacon's mission to South America was most successful, in the sense that it is to bear immediate fruit. It was apparent to his

hosts that he came with no selfish purposes,—not to seek concessions, not to solicit business advantages, but upon an errand purely altruistic in the highest significance of the word. He carried a message of friendship and coöperation in a work which is not for the benefit of one country, but of all the Americas and all the world. He sowed the seeds of a new and finer international relationship, and the results of his trip can hardly fail to be the establishment of intellectual currents of sympathy, leading to a higher and nobler civilization.

## APPENDICES





## APPENDIX I

### *Paris*

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#### Luncheon of Mr. Gabriel Hanotaux,

PARIS, SEPTEMBER 19, 1913

[*Translation from The Figaro*]

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The staff of the Comité France-Amérique yesterday gave a luncheon to the president of the Comité France-Amérique, of New York, Mr. Robert Bacon, former Ambassador of the United States at Paris, and to Mr. Dandurand, Senator and president of the Comité France-Amérique in Canada, and Mrs. Dandurand.

Among those present were Mr. Gabriel Hanotaux, Mr. and Mrs. Boutroux, Mr. Klexzkowski, Minister of France, etc.

Mr. Robert Bacon is passing through Paris on his way to South America, where he goes, as has been stated, on a mission for certain American international organizations, headed by Messrs. Elihu Root, Butler, Scott, etc.

Mr. Hanotaux addressed his guests in these words :

“It is a great pleasure for the Comité France-Amérique to welcome on the same occasion the two presidents of the Comité in North America ; the activity shown in the United States and Canada by these two branches of the French Comité has produced important results this year ; we can only say that the credit belongs to the two presidents who honor us with their presence.

“Mr. Robert Bacon goes to South America in the name of persons who are held in the highest esteem in the great republic of the United States, to lay the foundations for united efforts in the interest of international law, efforts that should be encouraged to the utmost for the benefit of mankind. This mission has an entirely practical character ; it contemplates the establishment of enduring institutions by which the principles of harmonious and thoughtful understanding between peoples will be developed.

“Mr. Robert Bacon has not forgotten that only a little while ago he was the Ambassador of the United States at Paris, and it seemed to him that the intellectual relations between the South American republics and France are such that a preliminary visit to Paris would be of great service in bringing about the success of his undertaking.

“The disseminating power of the French language and of French thought, as he himself has said to me, is such that to seek inspiration from French institutions and French works appeared to be one of the first duties of his mission.

That is why he is with us today. We thank him for this faith which honors our country and which, we may hope, will facilitate his work among our friends in South America.

"In the hands of the eminent diplomat whose good will, intelligence and devotion have been esteemed by all Paris, and whose generosity has been felt by the Comité France-Amérique in particular, such a noble undertaking can not fail to succeed.

"Gentlemen, I raise my glass to our two colleagues and presidents and to the success of the journey of our excellent and distinguished friend, Mr. Robert Bacon."

Mr. Bacon replied in these words:

"My dear Mr. President:

"You have expressed my thought and explained the objects of my mission in phrases for which I can only thank you from the bottom of my heart. Yes, I wished to secure a hold on French thought before seeking to enter into the thought of South America. Your high praises and your encouragement belong to those who have prepared and directed my mission. This hour in particular, and so many other pleasant hours that I have had the good fortune to spend in Paris, I shall never forget during my journey.

"I drink to the prosperity of the work which you have founded, a work of such broad international scope: to the prosperity of the Comité France-Amérique."

## APPENDIX II

### *Brazil*

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#### Address of Dr. de Oliveira Lima,

BEFORE THE MEMBERS OF THE HISTORICAL INSTITUTE OF BRAZIL, AT THE AMERICAN EMBASSY,  
RIO DE JANEIRO, OCTOBER 8, 1913

#### *Excellency:*

The president of the Historical Institute, Count Affonso Celso, who succeeded Baron de Rio Branco in the post, appointed at our last meeting a committee of ten members to welcome you in this country in the name of that association, the oldest intellectual association of Brazil and possibly of South America.

We boast, indeed, of our three-quarters of century of existence, as we boast of the invaluable services rendered by several generations already of historians and searchers of documents, to the study of our past. The late Emperor of Brazil, Dom Pedro II., whose memory is as respected in the United States as it is cherished here, used to preside over our meetings and to guide our work.

You see that through the nature of our studies, as well as under the influence of such names as I have mentioned, the Historical Institute is a society of peace, just as much as the foundation which you are representing in our Southern continent. You are certainly peace in action, peace in movement, peace resting on the conscience of national responsibilities and international rights and duties. We are peace in theory, peace in feeling, peace in tradition, I dare even say, because the wars in America, especially in independent America, have been more wars for freedom than wars for ambition.

I do not say they have been exclusively so, as every portion of humanity carries with it faults and crimes, and this is why so much is being done to spread international respect and amity; but the fact is that we all have won our liberties through our will and are all trying to uphold them. Brazil under the Empire had two foreign wars, but both were made against foreign tyrannies and not against foreign peoples or nationalities.

By every reason, then, your mission appeals to our deepest sympathy and you may be sure to find in this country a congenial environment. The work of the Carnegie Endowment for International Peace is not yet well known by us here, but we shall soon be in heart with its purposes. The section of Latin America that we constitute strives for its development without hurting any legitimate aspirations of others.

Personally your name is familiar to us as a successful ambassador and Secretary of State; also as the friend and collaborator of Mr. Root, which means that you both have about politics and diplomacy a conception far above the common one. Politics must not be divorced from intellectualism; diplomacy is not to be simply materialistic, but a fight for noble ideals of juridical understanding, international friendship, and moral solidarity.

You will meet everywhere the sympathy due to your personality as you will feel that the United States are truly esteemed in Brazil. We trust your efforts for international conciliation and we are ready to help them as much as we admire and try to follow your lessons of untiring industry and civic education.

### Response of Mr. Bacon

[Translation from the French]

*Excellency, Gentlemen of the Historical Institute:*

I find no words in which to thank you from the bottom of my heart for your charming welcome and your kind expressions which have profoundly touched me.

I have come on behalf of the Carnegie Endowment for International Peace and I bring to you the affectionate greetings of its eminent President and your devoted friend, the Honorable Elihu Root, whom I love and whom you also love, I am sure. It is strikingly recalled to my mind that since his memorable visit to your country in 1906 and since the Hague Conference in 1907 there has been a great change, a wonderful progress in the development of international law, of the Law of Nations, in which the celebrated publicists of your country, the juriconsults of all Latin America, have taken an important part.

In the words of Dr. de Louter of the University of Utrecht, the noted publicist of Holland: "Latin America, which by its talent and the eloquence of its delegates somewhat surprised the diplomats of Europe at the Second Peace Conference, has since then shown an energy and resourcefulness at once humiliating and encouraging to those who have shown them the way. All who believe in peace founded on law can only applaud the vigorous workers on the other side of the ocean who are engaged in building the solid foundations of a structure of law instead of pursuing the ephemeral phantasies of fruitless good intentions."

Now, Mr. Root, who wishes soon to quit the life of active politics and devote his efforts chiefly to this cause, to the expansion of this structure, has very close to heart the promotion of certain definite activities of the Endowment.

I beg you to give these practical projects your serious consideration not only to strengthen the ties of friendship and solidarity between our two beloved countries, but for the sake of humanity and to advance and promote liberty and justice among the nations of the world.

### Remarks of Dr. de Oliveira Lima,

AT THE RECEPTION AT THE AMERICAN EMBASSY,  
RIO DE JANEIRO, OCTOBER 8, 1913

[*Translation from the Portuguese*]

The Ambassador of the United States of America has entrusted to me the very honorable duty of introducing to this Assembly of Brazilians, eminent for their knowledge and social position, our illustrious guest, Mr. Robert Bacon, former Secretary of State and lately Ambassador from his country to the French Republic, who is now devoting his energy, talent and experience to that most noble crusade, the Crusade of Peace.

You must not, however, expect a man of his attainments, his accomplishments and his breadth of mind, to confine himself to utopian ideas or flattering illusions. Mr. Bacon desires to see a triumphant peace accomplished rather through reason than through sentiment, that is, through the universal conscience, through the propagation of, and respect for, the principles of international law.

He will explain to you, with the conciseness and lucidity which have distinguished his political and social work, the aims (as varied as they are practicable) of his mission,—a mission which is most interesting and of great scope and which the Carnegie Endowment, in the interest of universal peace, has entrusted to his care and to his devotion with the conviction that throughout Latin America he will be listened to with respect and sympathy as voicing the sentiments of our friend and collaborator, Mr. Elihu Root, that distinguished statesman who has given us such sincere proof, during the tenure of his office as Secretary of State of the great Union, of his respect for the rights of other peoples and for the legal personality of other nationalities, whose noble aim it is to link the entire New World into one unfettered and imposing Union of culture.

### Response of Mr. Bacon

[*Translation from the Portuguese*]

I am sure, Gentlemen, that you will pardon me if, instead of speaking in my own language in acknowledgment of your kind expressions of welcome, which have moved me profoundly, I say a few words of thanks in your beautiful tongue, with the assurance that though these words may be poorly expressed, they come from my heart.

I know it must appear presumptuous for me to address you in Portuguese, but I must ask your kind indulgence for two reasons. First of all I must refer to the very high esteem I have always cherished for the noble Portuguese traditions, which but recently have been refreshed in my mind by my stay in Lisbon, whence I have just arrived. There, at the foot of the statue of the great Camões, I recalled the memory of that distinguished Brazilian, whose eloquent words

and writings first developed my sense of appreciation for the beauties of the "Lusiads" and the charm of the "Rimas." I refer to my illustrious and gentle friend, Joaquim Nabuco, sage, poet and statesman, whom I learned to know and love during an intimacy of four years in Washington and whom I was proud to call a friend.

Another reason that I offer as the inspiration for my addressing you in your beautiful language is that on the eve of my departure from the United States, at the banquet where I was able to greet my esteemed friend, your Ambassador, Mr. Domicio da Gama, I had the great pleasure to find myself seated at the side of your illustrious Minister of Foreign Affairs, His Excellency, Mr. Lauro Müller, who, with that gentleness and charm of manner so natural to your race and country, spoke to us in very good English. My compatriots will never forget the pleasure that the presence of Dr. Müller produced, nor the distinguished honor conferred upon us by your country when it appointed him to return the visit of our esteemed friend, Elihu Root. For us of the University of Harvard, it was especially gratifying to have him accept our diploma and thus become a member of our Harvard family.

I have the honor of having been sent to Brazil by the Carnegie Endowment for International Peace, of which Mr. Root is the heart and soul. The message that I bring from him is a message of good-will, which, as expressed by that eminent author and jurist, Dr. Ruy Barbosa, truly meets with the "sanction of American opinion," but it is particularly a message of regard and esteem from Elihu Root for his good friends here. This mission affords me greater pride and pleasure than any other entrusted to me during my entire life.

And how can I begin to express my feelings at the first sight of this wonderful city, the magic city of Rio de Janeiro? For, in spite of all that has been said or written about its beauty and its bewitching grandeur, it surpasses my most extravagant dreams. It is incomparable and I envy you the continual pleasure and inspiration, the force and courage that you must derive from it.

Again, Gentlemen, I assure you of my most profound gratitude for the cordial reception and the distinguished honor that you have accorded me.

*[Translation from the French]*

It is a very great pleasure to me to be permitted to visit, if only for a few days, far too short, some of the peoples and countries of South America, for it has been one of my most cherished dreams, which I have been able only partially to realize as yet, to see with my own eyes your wonderful countries, the marvels of your civilization, to meet again friends whom I have known and loved in other parts of the world,—to make other friendships which will add a new joy to life and fill me with memories which neither time nor distance can dim or efface. I come charged with a message of good-will from your devoted

friend and great admirer, Mr. Elihu Root, at whose request, anticipated by my own desire, I have the honor to appear before you. I wish I could say to you all that he would say were he here in person to address you and to greet you as an old friend. The expressions might differ, perhaps; but I assure you the spirit behind them would be one and the same.

The visit which you recently made to the United States, Mr. Minister, will have a lasting influence for good. We tried to show you the real feeling of welcome which was in our hearts. We have much to learn in the matter of courtesy and hospitality for which you Brazilians are so justly celebrated; but, as Senator Root has well said, the real feeling of welcome in the hearts of the people of the United States was worth much more than any demonstration the government of the United States could possibly make.

My mission for the Endowment has been referred to as a mission of friendship and good-will. That is very true and I am proud of it, but since ties of friendship already bind us, may we not go further than that?

For my part I should like it to be regarded as a mission of co-operation and mutual help among old friends with the object of discussing, studying and planning practical means whereby we can work together and march forward toward progress, toward the ideal of humanity, toward greater enlightenment, for the triumph of Right in the world, replacing resort to force by resort to justice; toward an international opinion which will have the true sanction of international law.

The people of our two Republics are idealists. Monsieur Hanotaux, former Minister of Foreign Affairs of France, said in a recent article: "At the Hague Conference it was the delegates of the South American Republics, notably those of Brazil, who advanced the strongest and most original ideas. They were absolutely in the forefront of human thought, a fact which merits consideration."

The noble words spoken by Mr. Root in 1906 at the Pan-American Conference represent the sentiments and the ideals of the people of the United States as truthfully and as forcefully today as when they were spoken seven years ago, for governments may change, but the sentiments of the people remain the same. I like to think of this memorable declaration as the "Root Doctrine"—*the doctrine of sympathy and understanding, of kindly consideration and honorable obligation*—and I am proud to be considered worthy to speak of it as a humble apostle.

I would like to have you look upon me as inaugurating a series of international visits which will follow each other without break and be mutually advantageous by bringing together accredited representatives of the life and thought of the Southland as well as of the North; and inviting you to co-operate in the establishment of international institutions which will, we hope, become centers of good-will, develop and popularize just and progressive principles of international law upon which international good relations must depend, and in

various ways, directly and indirectly, by an exchange of thought, an exchange of views and a happy combination of effort, result in strengthening the bonds of friendship which a common past, common institutions and a common goal urge and demand.

History and Nature have inspired and increased a deep feeling of solidarity, not only between the countries of Latin America, but also between the Republics of the South and the United States. It behooves us to maintain and strengthen this solidarity which, by reason of its two-fold origin, unites inseparably the nations of the new continent, in the past, in the present and in the future.

One need only glance at the political history of the New World to see the constant interest the United States has taken in the struggle of the Latin American nations, first to free themselves from the mother country and then to defend the independence they had won against all attempts at conquest on the part of European powers. Moreover we might briefly recall that, after the emancipation, the United States furnished the Latin states with the forms and basic principles of their political institutions, particularly of their republican and democratic government, precisely at a time when the ancient political institutions of Europe were far from responding to the ideas of liberty and to the social conditions of the two Americas.

All this glorious past in the history of the New World should strengthen day by day the indissoluble bonds which have united the American nations since the beginning of their political life.

Nature has added to the work of History. The geographical situation of the nations of the New World has brought into being a series of problems common to all the states of the continent, thereby creating among them new ties of solidarity. Thanks to the progress of civilization and the perfection of means of communication, we in America have come to see the imperious necessity of solving in a uniform manner problems arising out of situations and conditions peculiar to the New Continent.

Anticipating Europe in a way, whose great powers meet in conference only at the conclusion of wars to determine the conditions of peace, all the American states have met together in pacific conferences in order to discuss questions common to their continent—whence the name and origin of the Pan-American Conferences. These conferences have borne abundant fruit—a number of problems of interest to America have been studied; important treaties have been signed with a view to developing the social and intellectual life of the New World; and, finally, the representatives of the several American states have learned to know each other better and have come to appreciate how many and how strong are the ties which bind the American nations together.

The sentiments of solidarity and fraternity which unite the countries of the New World in a community of interests should create a work of union and concord. The way is already open; numerous and fruitful results have been obtained; the time has come, therefore, to establish, in ever increasing measure, good



understanding and harmony. Above all, it is necessary to correct the misunderstanding in the South of the political purposes of the United States. As Mr. Root solemnly declared when he was among you, the United States desires above all that peace and prosperity reign in Latin America, in order to strengthen and to tighten the bonds of friendship and of brotherhood which should unite all the American people.

I have the honor to address you not merely on my own account but on behalf of the Carnegie Endowment for International Peace, of which Senator Root is President, and to invite you in his name and on behalf of its Trustees to coöperate with it in such ways as you may deem possible and advisable.

In other words, the wish of Mr. Root is to enlist as fully as possible the sympathetic interest of the leaders of thought in South America in the various enterprises of the Endowment for the improvement of international relations, and to bring about their practical co-operation in that work. You are no doubt aware that there is in the hands of the Trustees of the Endowment a large fund, the income of which is to be devoted to these objects. The Trustees after consideration of the manner in which they should accomplish the purposes for which the Trust was established, drew up the following statement of specific objects to which the income of the Trust was to be devoted:

(a) To promote a thorough and scientific investigation and study of the causes of war and of the practical method to prevent and avoid it;

(b) To aid in the development of international law, and a general agreement on the rules thereof, and the acceptance of the same among nations;

(c) To diffuse information and to educate public opinion regarding the causes, nature and effect of war, and means for its prevention and avoidance;

(d) To establish a better understanding of international rights and duties, and a more perfect sense of international justice among the inhabitants of civilized countries;

(e) To cultivate friendly feelings between the inhabitants of different countries and to increase the knowledge and understanding of each other by the several nations;

(f) To promote a general acceptance of peaceable methods in the settlement of international disputes;

(g) To maintain, promote and assist such establishments, organizations, associations and agencies as shall be deemed necessary or useful in the accomplishment of the purposes of the corporation or any of them.

In order to carry out these objects the work of the Endowment has been apportioned among three Divisions:

The Division of Intercourse and Education, of which Dr. Nicholas Murray Butler, President of Columbia University, is Acting Director;

The Division of Economics and History, of which Dr. John Bates Clark is Director;

The Division of International Law, of which Dr. James Brown Scott, Secretary of the Endowment, is Director.

The different objects set forth above are appropriately assigned to these three Divisions.

It is the purpose of the Trustees not that the trust organization shall become itself a missionary seeking to preach the gospel of peace or directly to express its own ideas to the world, but rather to promote and advance in each country and in all countries, the organization and activity of national forces in favor of peace. It is not so much to add a new peace organization to those already existing in the world as it is to be a means of giving renewed vigor to all the activities which really tend in a practical way towards making peace more secure.

To aid each of the three divisions in its work an extensive and effective organization has been perfected in Europe as well as in the United States, including a great number of the most eminent and highly respected statesmen, publicists and leaders of modern thought.

The respect and friendship which the Trustees of the Endowment entertain for the peoples of Latin America and for the many distinguished Latin Americans with whom many of the Trustees have most agreeable relations of personal friendship, lead us to desire that the work of the Endowment may have the same active and useful co-operation in South America that it has already secured in Europe.

Let me quote verbatim a passage from the instructions given me by Mr. Root, instead of paraphrasing them as I have done more than once. "You will observe," he says, "that one of the means by which the Division of Intercourse and Education proposes to advance international good understanding is a series of international visits of representative men. Accordingly, under the auspices of the Division, directly or indirectly, Baron d'Estournelles de Constant of France, the Baroness von Suttner of Austria, and Professor Nitobe of Japan have already visited the United States, and President Eliot, of Harvard University, has visited India, China and Japan, and Dr. Hamilton Wright Mabie is now in Japan. Your visit to South America comes in this category, but it has a more definite and specific purpose than any of the other visits which I have enumerated or which are contemplated under the head I have mentioned, for it is not merely to strengthen good understanding by personal intercourse between a representative North American, and representative South Americans, but also to introduce to the representative South Americans personally the work and purposes and ideals of the Endowment, and to invite our friends in South America to cordial and sympathetic union with us in promoting the great work of the trust."

This is the spirit of good feeling and kindly sympathy which has inspired the mission, and I hardly need to assure you that it is the spirit in which I shall endeavor to carry it out.

The subjects which I am directed to lay before you—other than the general aims and purposes of the Endowment and the methods by which the Trustees are endeavoring to put them into effect—are:

1. The formation of National Societies of International Law to be affiliated with the American Institute of International Law;

2. The presentation to the different Governments of the countries which I have the honor to visit, of the opportunity to participate in the proposed Academy of International Law at The Hague by providing for the sending on the part of each Government of one or more representative students to that Academy, if organized;

3. The appointment of National Committees for the consideration of contributions to the program of the next Hague Conference, and for making arrangements for the inter-communication of such Committees among all American countries;

4. The establishment of National Societies for International Conciliation to be affiliated with the parent Association for International Conciliation at Paris;

5. To arrange for a systematic furnishing of data for the work of the Division of Economics and History in accordance with the program laid down at Berne by the Congress of Economists in the summer of 1911. In connection with this last subject I beg to remind you that Dr. Kinley, who has been appointed a member of the Committee of Research with special reference to South America, will shortly make a visit to this country to suggest specifically the things that can be done in aid of the researches of this Division, to ask the advice and counsel of leaders of opinion in South America, and to invite especially the economists and historians of these countries to co-operate, as far as they may deem it possible or advisable, in the execution of such projects concerning South America as they may recommend as proper for investigation and study.

Allow me to make a final quotation from Mr. Root:

"The trustees of the Endowment are fully aware that progress in the work which they have undertaken must necessarily be slow and that its most substantial results must be far in the future. We are dealing with aptitudes and impulses firmly established in human nature through the development of thousands of years, and the utmost that any one generation can hope to do is to promote the gradual change of standards of conduct. All estimates of such a work and its results must be in terms not of individual human life, but in terms of the long life of nations. Inconspicuous as are the immediate results, however, there can be no nobler object of human effort than to exercise an influence upon the tendencies of the race, so that it shall move, however slowly, in the direction of civilization and humanity and away from senseless brutality. It is to participate with us in this noble, though inconspicuous, work that we ask you to invite our friends in South America with the most unreserved and sincere assurances of our high consideration and warm regard."

The scientific development of international law which has always been one of Mr. Root's chief labors and to which he has devoted much of his genius, has shown remarkable progress. The second Conference at The Hague, as has been said, marked the greatest single step toward the just and peaceable regulation of inter-

national relations ever taken, with the possible exception of the step taken at the first Hague Conference.

The dreams of yesterday are the realities of today; the dreams of today become the realities of tomorrow. The dreams of Rolin-Jacquemyns, Lieber, Calvo, Rio Branco, Nabuco, and other inspired leaders are accomplished facts today; the spirit of their doctrines has now become a principle.

The Trustees of the Carnegie Endowment believe that this progress can be hastened by practical methods. They are convinced that the ideals of the great thinkers can be advanced more quickly to the benefit of the world, by concerted efforts in certain well-defined, practical directions. That is why I have come to solicit your invaluable support and co-operation.

I thank you again for your kind welcome.

### Address of Senator Ruy Barbosa,

AT THE RECEPTION AT THE NATIONAL LIBRARY,  
RIO DE JANEIRO, OCTOBER 10, 1913

[*Translation from the Portuguese*]

*Gentlemen:*

It is not my aim at this time to introduce our illustrious guest to you, for Mr. Robert Bacon has spent the past four days with us, and this has been ample to make us feel as if he were an old friend. In this worthy successor of Mr. Elihu Root will be at once recognized reflected, an image, dear to the hearts of Brazilians, of his master and predecessor in the office of Secretary of State, that eminent American whose policies were characterized by the advantages that have accrued both to this Continent and to his own. Whoever came in contact with him at once experienced that recognition of merit that is revealed by the light, the irradiating and penetrating light, which he calmly and without any effort diffuses around him.

The very first time we heard him, the day before yesterday, at the American Embassy, through the delightful hospitality of Mr. Morgan, the distinguished diplomat whose charm is irresistible, he surprised us with an address, the introduction to which was delivered in our own language fluently and correctly, with but slight trace of a foreign accent, as if he had long been accustomed to express himself in our tongue. With exquisite grace and without effort, inspired only by natural earnestness, he revealed to us those miracles of which courtesy and benevolence are capable in the mind of a son of that race of the United States, that in its type combines the virtues, aptitudes and talents of all others.

It is easy to see that a more fortunate selection could not have been made for the purpose of conveying to us from Mr. Root, Mr. James Brown Scott and all other friends of peace in North America, a message which our natures and our training cause us to receive with joy. To each one of these gentlemen I now respond, even though, of all those assembled here, I may be the least worthy. Existing circumstances confer upon me this privilege, requiring me as

the president of the Brazilian Academy and a member of the Bar Association, to reply in the name of those, who throughout the land are reading, thinking, writing and talking about this visit.

In the address, which you are about to hear, our generous friend is going to define the first fruits of one of the subjects that appeal more especially to our interests, and he will also discuss, to a limited extent, the preliminary work of the Third Peace Conference. This select assembly, meeting as it does in this center of public education, will doubtless listen with great eagerness to the results of the meditation and experience of the distinguished orator, regarding the preliminary work of an undertaking, the realization of which, we flatter ourselves, will prove one of the noblest accomplishments of our time.

Never has Brazilian sentiment interested itself so passionately in an international subject of a specific character as in that congress which, six years ago, convened in the ancient Hall of the Knights at The Hague, where delegates from every civilized nation of the world met and pledged themselves to weaken the dominion of war throughout the world. Not that we should boast of our humble part in the scenes enacted upon an arena having as its amphitheatre the entire world; but because the campaign that was waged there and which was of paramount importance, was conducted in the interest of right, with no other arms than those of intelligence, awakening in our conscience impulses which had not been accustomed to thrill us, and revealing, under that new influence, a sure response, of which there had been no indications in the moral instincts of our nation, as is true of all parts of Latin America, and we should be proud of the ideal that presided there in ancient Holland, as in the heart of justice, under the protection of her ancient traditions of independence and liberty over this second ecumenical council of peace.

Permit me to use this religious appellation that surges to my lips free of any flowery pretensions, as a natural expression of reverence, prompted by the character of the subject itself, a subject that is almost sacred and divine; a tribute to those aspirations that in themselves combine sufficient power to assemble the most distant and divergent members of the human family from all parts of the world to form a congress. It did not represent a church which claimed, with more or less justice, a universalism wherein the powers in general celebrated their catholicity, but rather the union of all churches, all confessions, all creeds, at a common altar of that supreme order of charity which, translated, signifies the abolition of armed conflict between the nations.

The spectacle presented of kings descending from their thrones to follow the wake of a star in search of the birthplace of Christ, was about to be repeated with a grandeur exceeding that event in a movement that joined the heads of armies with the arbiters of war in the interests of a humanitarian ideal of mankind, of brotherly love, making us feel that Heaven had sent us from Calvary a smiling future stretching from twenty centuries to incalculable ages to come. The emblem of Christianity that introduced its apostleship upon the battlefields

as the insignia of the "Red Cross" disclosed to the minds of the fratricides of war, a fraternal epoch that began to appear upon the horizon but which up to that time had been but an hallucination in the minds of dreamers, an age when all divers beliefs and sects should be merged into one body, united in a universal effort to realize the brotherhood of mankind.

When that idea first took form in the initial conference of 1899, the brilliancy of which was duplicated in 1907, a fact of high importance was not taken into consideration by Brazilian politics. In spite of the fact that our Government (and I do not believe that I am mistaken) was signally honored, as the only Government in all South America, with an invitation from the Chancellor at St. Petersburg, Brazil did not respond to the call that offered her a most enviable distinction. In his *Autobiography*, Mr. Andrew D. White alludes to the surprise occasioned at The Hague by the indifference of our attitude, imputing that error to the carelessness of the new regime, adding that it was believed at that time that such an error would not have been committed by the Imperial Government.

We could not have repeated such an act of thoughtlessness in 1907, because, in so far as the conference was open to all constituted governments, it would not be reasonable to assume that we should have proved the exception by our absence. Furthermore, at that time there was one at the head of the Foreign Department of our government, whose vigilant eye watched untiringly over our interests, in so far as they concerned our reputation abroad; one who had been trained in all important questions of international relations. But what palliates the error committed by us eight years before, is the fervor and interest manifested by public opinion among us over every echo coming from the second session, revealing the same degree of enthusiasm that animated their chosen representatives, consecrated to a mission so replete with mishaps, trials and regrets.

No nation watched those sessions more assiduously or witnessed with more sincere emotion or greater enthusiasm the incidents that took place at those sessions, at which the representatives of the civilized nations of the east and west fraternized. None showed greater appreciation of the importance of each discussion that arose. None sympathized more deeply with the labor that there was being developed. None felt more keenly its unity with the contest to be fought between the most divergent traditions, contrary temperaments and conflicting interests upon an unprecedented plane.

It is not with vanity that I recall the feelings prevalent in those days when the flame of a new life heated the blood in our veins; but, on the contrary, it is rather to emphasize the magic of the current that crossed the Atlantic to a people of lesser activity and lesser civic energy, surcharging the air and animating the lethargic multitude. Skeptics declare that these moral influences are condemned to remain abstract idealism, forgetting that the most powerful force or current in our cosmic life appears to be lodged in the clouds, and that

when it descends from those heights, cleaving the atmosphere, there are no obstacles which can resist it, and it penetrates with astral fire, into the depths of the earth.

There was a tendency to calculate the results of truth and justice by evidence that can be counted, weighed and measured among the everyday onlookers of the Congress of 1907. A chorus of detractions, scoffings and epigrams were voiced against the work, which they judged most ungratefully. Why? Because the second Conference accomplished nothing in the matter of disarmament? Because owing to the great number of demands made upon it, it was compelled to confine itself to important proposals made through the medium of votes, suggestions, and advice?

However, the 1907 Conference realized, in a measure, the promise of its predecessor. The project of organizing a court of arbitral justice did not become a consummated fact. This was only because the weaker Powers were not willing to agree with the greater Powers in regard to the system to be adopted for nominating the members of that tribunal. Will such an agreement be impossible in the future? I do not think so. Time knows no difficulties which it cannot overcome with the aid of experience, no knots it does not eventually untie, no problems which it does not solve. It was a great truth that inspired the pen of my noble friend Mr. James Brown Scott, who, in his important work dealing with the Conferences of 1899 and 1907, wrote: "The independence of the state is the very postulate of international law; but the solidarity of interest has made itself felt to such a degree that nations have yielded and must in the future yield something of their absolute liberty and independence, just as a citizen yields his absolute freedom for the benefit of society, of which he is a part."

Once this question is defined, however, that obstacle being resolved into a formula whereby in each transaction the rights of one class will be harmonized with the pretensions of the other, all other obstacles become secondary; therefore, except in regard to the prerequisite, the second Conference agreed upon a constitutional body ready to enter upon the work conceived by the institution, to exercise over the universal society of nations powers analogous to those of the federal Supreme Court in the United States.

But this was not the only result arrived at by the second Conference. Its efforts to conclude a universal arbitration treaty were frustrated. All the nations, however, were signatories there to the most solemn of acts, declaring themselves unanimous in recognizing the *principle of obligatory arbitration*, realizing that certain differences, more especially those relating to the interpretation and application of international conventions, are subject to the rule of obligatory arbitration without any restrictions whatsoever. Now there is not a single person living who will not feel that at the 1899 Conference it would have been impossible to obtain the consent of the Powers represented at The Hague to this ruling on the two declarations whereby the sovereign Powers, in the interests of justice, yield such an important point.

Eight years was the length of time required to achieve this incalculable advance in the path of the reconciliation of Powers by means of laws. It is solely due to the diplomatic manner in which the conquest was achieved, that the revolution that was effected in the law of the rights of the people, and the sentiments of the most powerful nationalities, was not perceived.

The critics, who at the close of this glorious Congress amused themselves with minimizing the importance of its accomplishments with caustic expressions of contempt, took the trouble to estimate the cash cost to the various governments, as also to the press, entailed by this second Peace Congress, and their estimate, which was more or less arbitrary and covered all expenditures, amounted from four thousand five hundred to nine thousand contos, an amount which, in the opinion of these same judges, had thus far hardly been spent profitably. But an American diplomat of recognized repute, whom I knew at The Hague, and who at the time was rendering valuable services to the Chinese delegation to which he was attached, Mr. John W. Foster, in his *Memoirs*, which were published three years ago, scouted this idea of futility, saying that even if the estimate were admitted to be more or less correct the amount was barely one-third of what an armed battleship would cost.

Moreover, any Power even among those whose financial resources are most limited will without hesitation willingly indulge in the luxury of increasing expenditures three-fold or six-fold in order to have as a preventive (even though there may be no probable danger of war) one or two of those machines whose powers to-day are questioned when the multiplicity of submarine and aerial weapons that science has created for the extermination of entire fleets and armies, is taken into consideration.

Let us see now what are really the fruits, the practical results and actual benefits that have accrued from the last meeting of the nations at The Hague. They were the convention of October 18, dealing with the pacific settlement of international disputes, the establishment of the new regime for the appointment of the Commission of Investigation, the establishment of an International Prize Court, the adoption of new laws relative to the usages of war on land and on sea, the protection of neutral commerce in time of war, the establishment of a permanent Court of Arbitration. All this in barely four months' time, quite apart from the complexity and multiplicity of incidental matters, represent a complete circuit of international questions.

Would it be reasonable to demand that its activity should have been greater, that it should have discovered a means of compelling the powers to refrain from further military armaments and definitively to substitute Arbitration for War? No one with common sense would so declare. In judging the merits of a human remedy, we must not only note the benefits it affords, but the possible dangers that it prevents.

The First Peace Conference did not prevent Russia, who took the initiative, from being involved in a most disastrous war with Japan in 1904-1905. The



Second Peace Conference did not prevent the war between Italy and Turkey, nor yet the war between Turkey and Greece and the Balkan States. But still, side by side with these occurrences, which must be discounted as something still inherent in human nature, we should, in all justice, give full and due credit, commensurate with the difficulties opposed, to those relations of solidarity, both in a moral and material sense, in the development of which the two Conferences, 1899-1907, have contributed more than any other influence in the history of nations.

In this connection, the President of the Second Conference said in his address at the close of the work: "This Conference has made the greatest progress that has ever been witnessed by a human being." The same testimony was given a little later by an authority that is practically unrivalled, Mr. Elihu Root: "The work of the Second Hague Conference presents the greatest advance ever made at any single time toward the reasonable and peaceful regulation of international conduct, unless it be the advance made at The Hague Conference of 1899. The achievements of the two Conferences justify the belief that the world has entered upon an orderly process through which, step by step, in successive Conferences, each taking the work of its predecessor as its point of departure, there may be continual progress toward making the practice of civilized nations conform to their peaceful professions."

It cannot be understood how the impression should have crept into the minds of the most enlightened that the Second Peace Conference should have vindicated itself ere terminating its deliberations by promulgating a general disarmament and the abolition of war. It was more or less in line with this test that the adverse critics of that Congress of sovereign Powers framed their views, forgetting how at variance these are when considering the question of the value of Legislative Assemblies. In every country, year after year, large bodies meet in deliberation, which deliberations are governed by universally recognized parliamentary rules and prescribe the form for satisfying public demand by means of arbitrary resolutions, remedying all existing evils in general. Notwithstanding the fact that these collective bodies exercise full control over their proceedings, which are facilitated by well defined principles, and which provide for the closing of a question by a vote of the majority, nevertheless, year after year, the work of the legislature is renewed without its having either cured the prevailing social ills or having satisfied the demands of the public;—yet, withal, no one contests the attitude of the legislature or its usefulness, or deems it unnecessary to the government of States.

In this respect constituent assemblies are the same as parliaments. No one has as yet discovered a system whereby every problem related to liberty and good government in every nation can be solved. It is only at intervals of generations or centuries that great changes in the fundamental laws of States take place. According to Ames, whose work is dated 1897, the number of amendments offered up to that time to the constitution of the United States

reached one thousand seven hundred and thirty-six, whereas only fifteen of these had been adopted. In Brazil it took ninety-seven years to bring about the triumph of the Republic in 1889 for which the unfaithful of Minas conspired in 1792 and lost their lives.

So that, in considering the internal life of States, we see that the efficiency of the legislator only makes itself felt by tact, postponements and compromises, and with fragmentary, slow and uncertain results. Why, then, should we be impatient because in only eight years time, the period that elapsed from 1899 to 1907, a council of independent and sovereign nations, unrestrained by the law of majorities, did not reach a definite agreement as to the means for ending or resolving conflicts without the rule of war, a rule, which since man became a rational being has been the rule of rules of this world?

In the inestimable work of Mr. James Brown Scott, to which we have already referred, there are three or four pages of admirable reasoning setting forth clearly and convincingly the similarity between the organic process of development in the common law of England and that which can be observed in the common law of nations. Now that, for the first time, the attempt is being made to codify this law, legislative efforts, according to the general opinion, will be based upon great legal principles that have been elaborated by a process of long development and upon which we may well rely for the requisite foundation for the international justice of the future. But though we may not have reached that stage as yet, and may still have to cover considerable ground to reach the point when civilization will not resort to warfare, nevertheless, that which has already been accomplished during the past fourteen years, through the medium of The Hague Tribunal and the development of arbitration, is a prodigious and fortunate advance, considering the means employed and the advantages derived.

If, as Mr. Elihu Root, with his accurate judgment and clear-sightedness, remarks, "the most valuable result of the Conference of 1899 was that it made the work of the Conference of 1907 possible," we may likewise maintain to-day that one of the greatest blessings resulting from the 1907 Conference lies in our having created for the modern world the necessity, which can no longer be ignored, of availing ourselves of the inspiring sentiments of international solidarity which have been created by these two Conferences. A third result was to approve the purpose of the last two Conferences by convoking another, in accordance with the provisions of the second Conference; and as the celebration of a third Conference will demand certain preparatory work which, according to the provisions of its forerunner should begin two years in advance of the actual meeting of the third Conference, the present time would appear most opportune to arouse the skeptical and forgetful, and to inspire the initiative of those who can give to the matter the intricate study which should precede this great event.

As far as I can judge, such an appeal would meet with unanimous approval from us, and this would be true, I presume, of the other countries in every section of our continent to whom President Nelidow, in recapitulating the work

accomplished by the Conference in his closing address, paid the following homage: "The association with representatives from Latin America in our sessions has unquestionably added new elements of great value to the fund of international political science,—elements, the value of which, up to this time, we have failed to appreciate, except to a very imperfect extent."

To the Government of the United States, above all others, is no doubt due the convocation of the Second Peace Conference. It was President Roosevelt, who, with his peculiar characteristic constructive activity, influenced successively by the great foresight and the political capacity of his two Secretaries of State, Mr. John Hay in 1904 and, more particularly, Mr. Elihu Root in 1905, was the first Chief of State to grasp the idea and under his leadership, to have it carried into effect, putting an end to the Russo-Japanese war by the interposition of his good offices and the Treaty of Portsmouth. It was through his master stroke alone, as revealed in the memorandum addressed by Mr. Root to the Russian Ambassador under date of October 12, 1905, that this glorious initiative was suggested to the chief of the Empire which had been vanquished in the disastrous struggle.

To-day we find at the head of the Government of the United States a representative of the very highest type of American culture, of its intelligence, its democracy, its well-understood and well-defined liberality, of its solidarity with the interests of the whole civilized world. Brazilian thought has already become familiar with the name of Woodrow Wilson, in whom we jurists here and our men of letters have long since admired the historian, the constitutionalist, the political writer of rare endowment, whose works have so greatly enlightened us. We need no further guaranty to believe that, under his generous and able guidance, the glorious precedent of ancient tradition which so greatly honors the colossus of North America will again shine forth.

I am not quite sure, gentlemen, whether I am treading on safe ground, but as my words are absolutely devoid of official significance, as are those of our distinguished visitor, Mr. Robert Bacon, I am bold to say what I feel with my own natural frankness as a mere Brazilian citizen, a member of the human family, a friend of philosophy, whose taste of political life has not harmed him.

I did not wish to detain you so long in traveling over a path which has such seductive byways. It was my intention, when accepting the invitation to address you to-day, to confine myself merely to our illustrious emissary of American civilization and assure him of our cordiality and friendship, and after opening the session with a few appropriate words to leave him in entire control. But a certain mandate that I could not ignore compelled me to forego my intended restraint and brevity. Reminiscences of The Hague have diverted me from my course. At the outset it was my intention to recount these by narrating them as they referred to the various phases of the mission of good tidings of which Mr. Robert Bacon is the bearer; but from last night almost until dawn I could not restrain my pen.

Thus there remained no time for me to tell you all that I should relate to the great institution of wonderful, universal good, its program, its organization and work, all of which was so vividly described the other day in the address of the illustrious representative of the Carnegie Endowment.

Thanks to the conception of that singular philanthropist who has devoted his fortune to the benefit of his neighbor, there will not be wanting during the intervals between the Peace Conferences, the stimulus which keeps alive the flame of the sacred fire. Now, the stimulus and the impulse radiate from a permanent focus filling the intervals between successive congresses of universal peace with a continuous effort of the workers in the cause of justice, organized into an association of intellectual attainments, whose arms will, within a short time, encircle the civilized world.

Mr. Robert Bacon, who has been sent to Brazil as a representative of the Carnegie Endowment, "of which Mr. Root is the heart and soul," may rest assured that the "message of good will," which mission at this most auspicious hour has brought him to the hearth of the Brazilian family, enters our heart as the much needed dew for the seed of ideas, and will find there the warmth that is necessary to germinate the seed.

I do not know up to what point it will be proper, without presumption, for me to speak for my fellow citizens, who have all been breathing unconsciously the same air as I from infancy. But if I have not as yet lost that contact with the conscience of my compatriots, I can assure you that we are with you in the communion of international peace, and we shall consider ourselves fortunate whenever an occasion shall call upon us to place ourselves at your side in line with the latest workers for the cause to which you have consecrated yourself.

You opened your address the other day with a description of resplendent eloquence and poetry of the marvelous picture that presented itself to your mind upon arrival here and entranced you as you beheld the city under a blue, star-lit sky, and the smiling morn disclosed to you the green waters. You felt that from out all this, there must pass to those who dwell amid the gardens and the hills, between the heavens and the waters a continual stream of inspiration of never ceasing courage and energy.

Would to God, that we, in this Eden, may be permitted with dignity and harmony between man and nature to impress upon this terrestrial city the image of the ideal city, the city of virtue and truth, the city of God, and see it spread out and receive from the North those breezes, heavy with the pollen of that freedom which was sown on the shores of New England, almost three hundred years ago by the exiles of the *Mayflower*, and which, thus far, has never failed to reproduce new blooms, each more productive than the last, in the shape of institutions, men, ideas, permeated with that love of justice which converts the Roots, the Bacons and the Scotts into apostles and missionaries in the cause of the gospel of humanity and sends them forth to teach the world the Doctrine of Peace.

### Response of Mr. Bacon

[*Translation from the French*]

*Monsignor, Excellencies, Ladies, Gentlemen:*

I can not tell you how sensible I am of the great honor done me to-day by the Brazilian Academy and the Institute of Lawyers. I am, I assure you, deeply touched by this new mark of courtesy that you have shown by inviting me to be present at this meeting, held under the auspices of your famous intellectual leaders.

I thank you from the bottom of my heart for the flattering words—so little deserved—that you have addressed to my humble self. I wish that I could express to Your Excellency my gratitude for the sentiments of friendship which you have just expressed for my country and my friends.

Two days ago I tried to tell you in a few words something of the spirit, the inspiration, the hope with which Mr. Root granted me the privilege of coming to speak to you in his name of the work, the convictions and the hopes which he holds most dear. A hesitancy, a fear, indeed, that I should not prove worthy of his confidence, has given way to joyful gratitude for the gentle sympathy, the kindly good will of your welcome and your responsive reception which I appreciate most deeply and which will always be one of my most precious memories. I shall never forget your charming hospitality.

I regret that to-day I find myself confined to details that are somewhat dry and, I fear, rather uninteresting, at a moment when, under the charm and inspiration of your eloquent words, I would prefer to dwell upon our ideals, our hopes. For I am proud to share your optimism, sir, and I have an abiding conviction that, despite the clouds gathered by mistrust and unbelief, we are at the beginning of a great progressive movement in the liberalizing evolution of the world and that from afar we may see the dawning of a brighter, purer day.

The principles, the philosophy of the last century are no longer sufficient to our needs. We must have new rules of political economy, new principles of international law.

The gentlemen whom I had the privilege of addressing two days ago, did me the honor of asking for fuller details concerning certain objects of the Endowment.

To accomplish the objects of the Endowment the work has been organized in three divisions:

- The Division of Intercourse and Education;
- The Division of Economics and History;
- The Division of International Law.

In regard to the Division of Intercourse and Education it was evident that the work of this Division would necessarily affect foreign countries and it was essential to the success of the work that it be done in foreign countries by local agents rather than by branches of the Endowment. As it was impossible to determine at long range what should be undertaken, as well as the method of its

execution, without the advice of competent and experienced leaders of thought of the different countries, Dr. Butler, Director of the Division, created an Advisory Council of representative European statesmen and publicists, and a body of correspondents upon whose advice and sympathetic co-operation he can always safely rely.

From this large Council, composed of approximately forty members, a small Executive Committee has been formed (both Council and Committee being under the presidency of Baron d'Estournelles de Constant) and a European bureau has been established at Paris.

We have wondered whether it would not be agreeable to leaders of thought in Latin America to create an organization somewhat similar to the General Advisory Council which has already been formed in Europe, and to co-operate with their fellow countrymen in carrying out the plans and undertakings which they may consider advisable or useful in their various countries.

The Division has adopted the rule not to undertake work in any European country without consulting the Council or without the approval of the members of the Council representing that particular country.

There is no need of more than a brief mention of the projects which the Division has undertaken. In the first place, in order to educate public opinion, the Division has taken measures to enlarge the contents and to increase the circulation of a selected list of European periodicals devoted to international peace, to cultivate friendly feelings between nations and to increase their knowledge and understanding of one another.

The Division has inaugurated an exchange of visits of representative men and an educational exchange with Japan, and the Director of the Division hopes to make arrangements for an educational exchange between the United States and Latin America that shall comprise professors as well as students. I have the honor to inaugurate the first of the series of international visits with our sister republics, and I hope to be able to obtain information and advice from leaders of thought in South America which will enable us to begin in the very near future a mutual exchange of professors and students.

I am instructed to suggest that the exchange begin by the annual visit of two eminent South American scholars or publicists to the United States and two North Americans to South America. Each of these men would divide his time between two universities in the country he would visit. I would like very much to have your opinion regarding the choice of professors and also the choice of universities to which they should go.

The Endowment will provide for the expenses incident to this exchange of professors.

It is unnecessary to dwell upon the wisdom and timeliness of these projects, for it is common knowledge that many of the misunderstandings existing between nations are the result of ignorance of local conditions, traditions and ideals. Personal intercourse reveals that at bottom all men are strangely alike.

and personal contact, discussion and exchange of views lay the indispensable foundations for friendship and good understanding.

One of the activities to which the Endowment attaches much importance is the organization throughout the world of Associations for International Conciliation.

Experience has shown that many people genuinely interested in bringing about good understanding with foreign countries nevertheless hesitate for a variety of reasons to ally themselves with Peace Societies. Associations for International Conciliation appeal to these classes, and it is the policy of the Endowment through the Division of Intercourse and Education to strengthen these Associations where they exist, and to co-operate so far as may seem desirable in their creation where they do not exist.

The parent Association was formed by Baron d'Estournelles de Constant in Paris some years ago. The branch in the United States, of which Dr. Butler is President, was organized in 1906; the German and English Associations were organized in 1912, and I am directed by my instructions to invite the co-operation of interested persons in the countries which I have the honor of visiting to organize branches of international conciliation to be connected with the parent Society at Paris. These Associations, while local in origin, have nevertheless an international mission and tend to create by their meetings and the excellent pamphlets which they regularly issue, a friendly feeling towards the peoples of foreign countries.

Allow me to explain the purposes of the Societies for International Conciliation in the language of the founder of the parent society in Paris. In an article which he has had the kindness to prepare on this subject, Baron d'Estournelles de Constant says:

The Association for International Conciliation is not a sentimental, humanitarian organization. It is a practical, patriotic advance, in the national interest of each country, particularly of young countries which must consecrate all their forces and resources to their own development. Its object is to ensure security for the morrow to the business and the working world—to the farmer, the manufacturer, the merchant, as well as to the artist and the scientist—and to make it possible to undertake works looking to the future.

Conciliation is today the indispensable complement of economic effort in every civilized country. To increase national prosperity by the promotion of good international relations; such is our object, summed up in our motto: *Pro Patria Per Orbis Concordiam.*

Wars of conquest are no longer profitable. They engender only hatreds, reprisals, the burdens of an armed peace that grow more crushing every day; and these burdens have become among the masses the strongest of arguments in favor of socialism and revolution.

Wars of independence alone are honorable, but no one threatens the independence of the American States. They will become more powerful by understanding each other than by arming themselves against each other.

Arbitration, on the contrary, has demonstrated its value in the Alabama, Hull, Casablanca, Behring Sea, Newfoundland fisheries, and other cases.

Undertake arbitration rather than war, but always prefer conciliation to arbitration.

Such is our idea, our rule of life.

I would sum it up as follows :

War rather than slavery.

Arbitration rather than war.

Conciliation rather than arbitration.

Arbitration cures; conciliation prevents. Conciliation substitutes fruitful co-operation for sterile antagonism.

How should conciliation be organized?

Little by little. Maternally; by the co-operation of the few men who know the world and life, former diplomats, former Ministers of State, retired manufacturers, savants, artists, philanthropists; men of proved good will.

A more or less numerous *élite* of such exceptional men exists in every country. Seek out these chosen few, explain to them the benefit, the necessity of conciliation, and, that done, put them in touch with similar groups in other countries. These groups brought together will undertake the education of the masses.

Our methods of procedure are:

1. Personal visits, intercourse and correspondence between men, between countries, between peoples, between parliaments, between organizations.

These methods have produced results; by means of them we have brought together enemies supposed to be irreconcilable.

2. Publications, lectures. We publish bulletins; we recommend or suggest literary works; we travel and we exchange our experiences; we spread our ideas in spite of obstacles or unfavorable circumstances. We do everything in our power to remove prejudices, preconceived opinions, ignorance, and to supplant them gradually (with the same benefit that would follow in trade) by mutual confidence, credit and, finally, international friendship.

To express in a single phrase the difference between Pacifist Societies and Societies for Conciliation it might be said that Pacifist Societies are composed of *pacifistes*—whatever meaning we attach to this word—while the Societies for Conciliation are composed of *pacifiques*, which is a broader and, apparently, much more acceptable term.

I should, indeed, be happy if I were able to persuade some of the *élite* in the different countries I have the honor to visit, to form national societies for International Conciliation to be affiliated with the parent society. Of course, it is understood, that this is a moral not a legal, affiliation, and that each society is independent. And I take pleasure in informing you that in this as in other cases, the Endowment will undertake to pay the expenses incurred in the



organization of these societies and to supply the funds necessary to obtain the services of capable, energetic, devoted and persevering secretaries upon whom the usefulness of the societies will depend.

Let me now describe the work of the second Division, that of Economics and History.

The work of this division is "to promote a thorough and scientific investigation and study of the causes of war and of the practical methods to prevent and avoid it"—that is to say, the study not only of the apparent causes which are often only pretexts serving ambitious and unscrupulous heads of states, but also of the real, and often hidden causes which one finds in race antagonisms and in interests of an economic nature. It is necessary, moreover, to study the causes and the economic effects, not merely upon belligerents but upon neutrals as well.

The Trustees felt it to be well nigh impossible to formulate by themselves plans calculated to promote a thorough and scientific investigation. A conference was arranged at Berne, Switzerland, in August, 1911, to which distinguished economists and publicists, drawn largely from Europe, were invited, to consider what subjects could properly and profitably be studied and to draft a tentative program for the Division.

Eighteen economists and publicists attended the Conference and their advice and co-operation were considered so important, indeed indispensable, to the success of the Division that they have been formed into a permanent Committee of Research, to advise the Director and to act as the agents of the Division in carrying out the projects recommended by the Conference and embodied in its elaborate program, which deals with questions concerning the economic and historical causes and effects of wars, armaments in time of peace, military and naval establishments, the theory, practice and history of modern armaments and, finally, the unifying influences of international life.

A large number of topics have already been assigned to specialists selected from the countries to which their work relates, some of the studies have been completed, and, in the course of a few years, the Endowment will have published a series of remarkable monographs, covering all phases of the elaborate program, which will, it is believed—to quote the language of Mr. Root—"be useful to mankind."

Professor Kinley, an old and sincere friend of Latin America, who represented the United States at the Fourth Pan-American Conference held in Buenos Aires, has been appointed a member of the Committee of Research, and will devote himself more especially to the problems in which Latin America is interested. In the course of the coming year, he will visit Latin America to confer with the leaders of opinion, to obtain their advice and, if possible, to secure their co-operation, both in suggesting projects and in executing those which they may recommend.

The third Division of the Endowment is the Division of International Law. This Division, like the others, found it necessary to create a special

organization and to secure a body of legal advisors, in whose conclusions in the sphere of law the Trustees can place implicit confidence.

The Institute of International Law is composed, it is hardly necessary to state, of the leading jurists of all nations, and the Endowment requested the Institute, either as a body or by means of a Committee, specially chosen for the purpose, to act as advisor to the Division of International Law. The Institute accepted the invitation and selected a Committee of eleven members, at its meeting in Christiania in 1912, who have acted during the present year as advisors to the Director, and this Committee, technically known as the Consultative Committee for the Carnegie Endowment, drew up a regulation, which has been accepted by the Institute, by means of which the relations established between the Institute on the one hand, through its Consultative Committee, and the Endowment on the other, through its Division of International Law, are to be permanent.

The committee consists of eleven members. The President and the Secretary General of the Institute are members *ex officio*, and the others are elected to serve for a term of years. It is to be noted that the members of this Committee are men of great experience and high authority in all questions of international law: Messrs. Fusinato of Italy, Gram and Hagerup of Norway; Holland of England; Lammasch of Austria; Lardy of Switzerland; Renault of France; Rolin of Belgium, and Vesnitch of Servia. The importance of this Committee of juriconsults and the value of the advice which they can render cannot be overestimated.

As tending to establish a better understanding of international rights and duties, the Division of International Law grants material assistance to journals of international law in order to increase their circulation and to extend their influence, because, by this means, international law is popularised and the public is shown by concrete example how the principles of international law determine questions of international rights. In the same way, it is the intention of the Division, upon the recommendation of the Consultative Committee of the Institute, to aid in the distribution of important works of international law and, especially, to have translated into better known languages works which are of very great importance and usefulness but which are published in languages not widely read or understood.

To promote the general acceptance of peaceable methods of settling international disputes, the Division has under way several works; the first is the collection and publication of all general and special treaties of arbitration. In regard to the treaties of the nineteenth century especially, the Endowment would be very grateful to the publicists of Latin America if they would supply information concerning any such conventions of which they have knowledge—the only knowledge perhaps;—and the Trustees would regard it as a very great favor if the governments of Latin America would supply copies of such treaties, as it is very difficult at times to secure texts which are thoroughly accurate and reliable.

This collection will enable publicists to see to what extent nations have been willing to bind themselves to arbitration, and the various forms of existing treaties will be placed at their disposal. For a like reason all known instances of international arbitration are to be collected and published in the form of judicial reports and the series will be continued indefinitely. The well-known authority on International Law and Arbitration, Professor John Bassett Moore, lately of Columbia University, and now Counselor for the Department of State of the United States, has undertaken this monumental work and is actively engaged upon it.

The Institute of International Law which now acts as adviser to the Division of International Law was founded in Europe in 1873, but, although the Institute represents "the universal juridical conscience," many juriconsults have felt the need of an institution which should represent the juridical conscience of America, study the problems which concern particularly the New World and examine from an American point of view general matters relating to the law of nations.

As you are well aware an American Institute of International Law was founded in 1912 by Señor Alejandro Alvarez of Chile and Dr. James Brown Scott, director of the Division of International Law of the Endowment. This Institute contemplates the formation of National Societies of International Law in all American countries to be affiliated with it and to work in harmony with it for the study of American problems.

The American Institute of International Law is to be composed of five publicists from each of the American Republics chosen from the members of the National Societies and each member of the National Society is, by virtue of such membership, entitled to enroll himself as an Associate Member of the Institute and to participate in its labors, upon payment of the modest dues which membership in the Institute entails. It is to be hoped and we believe that in this way the International Society will be kept in close and intimate contact with the National Societies, that the American Journal of International Law will be modified in such a way as to become the organ of the Institute and of the publicists of the Americas, and that the Bulletins which it is contemplated that each of the local Societies will issue, will keep the Institute itself in touch with the work of the National Societies, and that by the distribution of the Bulletins among the different societies, each will keep in touch with all the others.

It is unnecessary for me to dwell upon the importance of the Institute and of the National Societies, because to all those who believe that international peace is only possible through international law and its application to the foreign relations of nations, it is evident that Agencies, created to develop and render this system of law adequate to meet the needs of nations and to disseminate its principles so that an enlightened public opinion may be formed which will insist upon the application of those principles to the relations of nations and to the settlement of their disputes, will render great and inestimable services, for the future

of international peace is wrapped up with international law, its development, its dissemination.

Supposing that the American Institute is fully established and justifies its existence, and that the national societies of International Law are created and affiliated with it, we cannot help asking ourselves whether the American Institute would not be willing to enter into advisory relations with the Endowment and its Division of International Law in all matters concerning American questions and problems similar to the relations which so happily exist with the older Institute.

Lest I should seem to state in exaggerated language the aims and purposes of the American Institute of International Law, of which Mr. Elihu Root is Honorary President, let me quote a passage from a distinguished Dutch scholar and professor of international law, who may be supposed to treat the subject with more detachment.

After having spoken of the great example America has given to the world in undertaking the codification of international law, he says:

"The second example is given to us by an Institute essentially scientific but scarcely inferior in moral value. The gradual drawing together of the North and South has created a new instrument of progress. The projects for a Pan-American Union, started long ago without ever yielding results, have at last borne fruit in the peaceful field of study, thanks to the talent and perseverance of two illustrious men, one from the northern, the other from the southern half of the Western Hemisphere. During the past year Mr. James Brown Scott, the noted jurisconsult of the United States, and Señor Alejandro Alvarez, former professor and Counselor in the Ministry of Foreign Affairs of Chile, who in June, 1912, at Rio, exercised a most beneficial influence upon the great plan for codification, met at Washington, and founded in October, 1912, the American Institute of International Law. This Institute has for its objects: 1. To aid in the development of international law; 2. To strengthen the common sentiment of international justice; 3. To procure a general acceptance of peaceful procedure in the settlement of international disputes between the American States.

"This enlightened idea sprang from the conviction that it is better to spread conceptions of right and justice by a slow but constant appeal to the minds and hearts of people than by diplomatic negotiations which are not based on a general popular sentiment.

"If we take into consideration the fact that the peace movement in America is much more general than elsewhere and that it rests on a religious foundation or on a community of interests and of tendencies that we well may envy, we can appreciate this new proof of a virile progress which is brought to us from the other side of the ocean; it gives new life to our hopes and redoubles our efforts."

Mr. Root and his associates attach the highest importance to the establishment and successful operation of the American Institute of International Law and of its affiliated societies in each of the American countries.

The Endowment now grants a subvention to the older Institute, founded in Europe. This subvention is designed to cover the traveling expenses of members of the Institute, the expenditures of the commissions and the publication of their works. The new Institute can count upon receiving financial aid from the Endowment as soon as the National Societies are thoroughly organized and it will be upon an equal footing with the older Institute in this respect.

The American Journal of International Law, which, with some slight modifications, might become the organ of the American Institute, receives now an annual subvention from the Endowment.

Another institution in which the Division of International Law is greatly interested and which it will subvention and maintain with much pleasure is the Academy of International Law which it is proposed to establish at The Hague.

A proposal was made at the Second Hague Peace Conference to create an academy of international law, and it was commended by the president of the Conference. No action was then taken, but the idea has commended itself to publicists of many nationalities. A committee of Dutch publicists, under the presidency of Mr. Asser, whose recent death we all deplore, suggested that such an academy be created and installed in the Peace Palace at The Hague.

The Permanent Court of Arbitration would apply the law which had been systematically expounded in the academy, and the magnificent building which was officially opened last August, would indeed become a temple of peace, a Home of International Law.

Mr. Asser's proposal contemplates systematic instruction, during the summer months, in international law and cognate subjects by a specially constituted and changing faculty, to be chosen from publicists of different countries. Courses of lectures on important and timely subjects would be given by publicists who, in addition to long theoretical training, have had large experience in the practice of international law. Seminars, under the direction of the regular professors, would be created for the detailed and exhaustive study of certain phases of international law and international relations. The courses would be open to students of all countries who possess the necessary qualifications, and who would be able to attend and to profit by the instruction given, as it would be, during the academic vacation.

It is also proposed that the governments should be interested in the academy and invited through diplomatic channels to designate appropriate officials of various branches of the governmental service to attend its courses.

The Institution would be unique in its summer sessions, unique in its small and changing faculty, and unique in its student body, drawn from foreign countries and from official classes. The lectures, published as monographs, would enrich the literature of international law; the law itself would be treated from various points of view and by competent teachers, of whom but one at a time would be selected from any country. The student body would be drawn from various countries and in the course of time would exercise influence in their home coun-

tries, so that the Academy would be eminently helpful to establish a better understanding of international rights and duties and to disseminate the principles of justice.

The Academy would, if organized, be a separate and independent institution, under the control of a specially appointed committee or curatorium, composed in the first instance of past presidents of the Institute of International Law. Thus organized and operated, it would advance the work which the Endowment is created to further, but it would not be a direct agency of the Endowment or under its control.

It would not seem necessary to go more fully into the advantages of such an Academy which appealed to the President and members of the Conference, which has been approved by the International Law Association—a more popular body than the Institute of International Law—by the Institute of International Law itself, by an overwhelming, indeed well-nigh unanimous, vote, and which has elicited the warmest commendations from statesmen, publicists and professors of International Law in all parts of the world.

Mr. Root directed me to submit to your consideration the project for this Academy and to ask the support of all the Latin American republics, that they may designate one or more of their citizens to attend the lectures and follow the course of instruction at the Academy when it is established.

Every one remembers, Mr. President, the notable part you took at the Second Hague Conference, the splendid results of which interest in the highest degree the Division of International Law as well as all friends of civilization and humanity. Your brilliant work is now history; it will never be forgotten. Your eloquence and your success at The Hague, Sir, attracted the attention of the civilized world. Not only the two Americas, our twenty-one sister republics, but the entire world will profit for all time from your noble efforts.

The Division of International Law, in order that the work of preparation for the Third Conference may soon begin, wishes to call attention to the formation of National Committees.

It is common knowledge that the Second Hague Peace Conference of 1907 recommended the meeting of the Third Conference at a period approximately equal to that which had elapsed between the First and Second Conferences, that is to say, eight years, so that, if the recommendation is carried out, we may expect the Third Conference to meet approximately in 1915.

It was further provided in the recommendation referred to that about two years before the probable meeting of the Conference an international preparatory committee should be constituted by common accord among the Powers to collect the proposals to be submitted to the Conference, to ascertain what subjects are ripe for embodiment in an International Agreement, and to prepare a programme to be submitted to the Governments invited to participate in the Conference sufficiently in advance of the meeting to enable them to be examined carefully and,

finally, to propose a system of organization for the procedure of the Conference itself.

It is evident that the different countries which will be invited to The Hague—every country of America was invited to the Second and will doubtless be invited to the Third Conference,—should consider all these important matters before the constitution of the International Preparatory Committee, and it seems advisable, indeed necessary, that each Government should appoint a Committee to consider these matters in detail in order that the Governments should be able to make their recommendations in the fullness of knowledge.

As the American Republics will attend as of right the Conference, it would seem to be their duty to prepare themselves in advance for active participation in its proceedings. They will not perform their full duty if their Delegates merely listen to the discussions and occasionally take part in them. The American States should do more than this. They should seek to increase the usefulness of each successive Conference by making contributions of value, and this can only be done if they prepare carefully in advance of the meeting.

It is not expected that the American States should present a series of joint projects to the Conference, or joint recommendations, but it would greatly facilitate matters if the different Governments should communicate their views so as to reach an agreement upon the subjects which in their opinion should be presented and which might form the subject of international agreements.

Our American States would neglect a great opportunity of usefulness if they did not appoint National Committees of their own to study the questions which should properly be discussed by the Conferences and prepare projects dealing with them which, if not adopted by the Conference will, at least, form the basis of discussion.

These National Committees might be formed as soon as possible in order that no time should be lost. I cannot commend too highly this matter to your careful thought and consideration.

The eminent French publicist, Professor A. de Lapradelle referred in the following terms to the support of the American republics in the preparation of questions for discussion at The Hague: "The Second Peace Conference, in calling to The Hague all the American States, made it possible to detect, between them, lack of harmony on certain points. They have not all the same conception, either of the law of peace or of the law of war. How is it possible to convince Europe of the correctness of the American point of view if America itself has not first been convinced? And, besides, with what authority will not the American proposals be vested when they come not from this or that State but from all the American States, which, having studied them in the American Institute of International Law, will have agreed upon them in the Pan-American Conferences?"

The study, the development and the popularization of international law deserve our best efforts. One of the most distinguished statesmen of Europe very recently said: "Neither the pure and simple abolition of war, nor the

institution of a supra-national State, nor a change of government or social organization can make smooth the road to peace and put an end to warlike instincts. There is only one road to follow, slow if you will, but sure: the road of law, not theoretical and imaginary law, but law that is positive and real. A peace which does not come from law, which does not find in law its foundation and its guarantee, is valueless; it is not worthy of your sympathies or your efforts. It rests upon a weak and trembling foundation; it depends upon precarious happenings and is likely at any moment to crumble and fall. It sacrifices that which is of first importance to a condition which is of only secondary importance and which has a moral value only in so far as it is the result of a reign of law."

Monsignor, Excellencies, Ladies, Gentlemen: Before concluding I wish to express again to you my most sincere thanks for the great honor which has been done me by the Brazilian Academy and the Institute of Lawyers as well as my profound gratitude for your kind and sympathetic reception. In leaving your city, with more regret than I am able to tell you, a city which will always be for me one of the wonders of the world, I shall carry away with me sentiments—if you will allow me to say so—of very dear personal friendship. I shall therefore say not goodby but—until we meet again.

#### Letter of Señor Helio Lobo,

ACCEPTING THE POSITION OF HONORARY SECRETARY FOR BRAZIL, OF THE NATIONAL SOCIETY  
OF INTERNATIONAL CONCILIATION,  
RIO DE JANEIRO, OCTOBER 9, 1913  
[*Translation from the Portuguese*]

His Excellency

ROBERT BACON, Ambassador.

Carnegie Endowment for International Peace.

*Sir:—*

Your Excellency deigned yesterday at the American Embassy to invite me in the name of the Carnegie Endowment for International Peace, of which you are the eminent representative on a special mission, to act as Secretary of the "International Conciliation" in Brazil for this worthy Association which is presided over in Paris by Baron d'Estournelles de Constant.

Having thanked your Excellency, at the time, for the distinguished honor conferred upon me, and having assured you how greatly I appreciate it, I beg leave now to reiterate what I then stated, and add how sensible I am of the marked kindness your Excellency has shown to me.

It will be for me a means of particular gratification to co-operate with my best efforts in this way in a work, the importance of which no one appreciates more fully than yourself.



I shall consider myself fortunate indeed, if in my effort to respond to the distinguished trust you have reposed in me, I am able to fulfil the commands with which your Excellency and the Association may see fit to honor me.

Assuring you of my warmest sentiments of highest appreciation and esteem,

I remain

Your obedient servant,

HELIO LOBO.

## APPENDIX III

### *Argentina*

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#### Remarks of Dr. E. S. Zeballos,

AT A DINNER GIVEN BY HIM FOR MR. BACON,  
BUENOS AIRES, OCTOBER 15, 1915

[*Translation from the Spanish*]

#### *Gentlemen:*

Mr. Bacon belongs to the select group of Americans who, under the distinguished leadership of Mr. Root, cultivate the diplomacy of enlightenment in America and in the world.

They seek in the esteem held by the world's representative men for one another, the natural and American tendency toward respect and conciliation between nations.

We welcome this noble mission to our land. Warm, too, is our greeting to its brilliant exponent whose learning and culture will ever live with us.

Gentlemen: To the United States of America where this intellectual movement is fostered.

To the venerable Carnegie, who is showing the world how private fortunes should not be confined to satisfying individual pleasures but to promoting the welfare of mankind.

To the illustrious Root, who leads this glorious movement.

To Mr. Bacon, chivalrous spirit and vigorous mind, who in unofficial capacity but with credentials from humanity and science, is realizing in South America the noblest and most fruitful mission of the United States.

#### Response of Mr. Bacon

[*Translation from the Spanish*]

#### *Gentlemen:*

First of all, I ask you to pardon my boldness in addressing you in the sonorous Castilian tongue, so rich and so harmonious, but which, to my deep regret, I speak haltingly. Your proverbial kindness assures me that I can count upon your indulgence.

I thank you most heartily, Sir, for the honor you have done me in affording me the pleasure of meeting the most distinguished personages of the intellectual world of Buenos Aires. I appreciate the flattering words addressed to my humble self and the praise bestowed on my country. I assure you that your gracious courtesy has touched me deeply.

In addressing you I feel profoundly moved. The warm welcome given me and the admiration I have for this beautiful land, make it difficult for me to express the sentiments which have filled my soul from the moment I set foot on your hospitable shore.

The eyes of the civilized world are to-day turned toward the Argentine Republic. It admires her wonderful progress and everywhere are heard enthusiastic words of praise and predictions of the bright future in store for her. I am completing a trip around the world and I have heard recounted in many places the wonders of this privileged land. Buenos Aires, superb Sultana of the Rio de la Plata, has made an impression on my memory which will never be effaced. I see in her not only a large and beautiful metropolis, modeled after the great cities of Europe, with the bustling life of her splendid harbor, with the ceaseless stir of her stately avenues and the singular attractiveness of her charming people, all of which proves the truth of what I have been told, but my eyes, striving to penetrate the veil of the future, behold in ecstasy the glorious vision of the American Paris, raised through the energy of her people to heights surpassing the fondest dreams of the present generation.

I am happy in having the opportunity to visit your country. I have always felt a keen interest in the Argentine Republic; her struggles for freedom, her extraordinary development, and her splendid future have always held my attention. I am delighted to visit the native land of the genius Sarmiento, whose name is a familiar one in the United States, from which he took the scheme of the educational system which this country has used to such good advantage; the land of the brave Belgrano, illustrious and intrepid leader, and of the stern patriot San Martín, whose wonderful military talent and heroic disinterestedness associate him in our minds with our own beloved Washington.

As the representative of the Carnegie Endowment for International Peace, I bring you the affectionate greetings of its eminent President and your true friend, Honorable Elihu Root, my honored chief, whom I love and whom you, gentlemen, I know, also esteem.

My mission for the Endowment has been referred to as a mission of friendship and good-will. That is very true and I am proud of it, but since ties of friendship already bind us, may we not go further than that?

For my part I should like it to be regarded as a mission of co-operation and mutual help among old friends with the object of discussing, studying, planning practical means whereby we can work together and march forward toward progress, toward the ideal of humanity, toward greater enlightenment, for the triumph of Right in the world, replacing resort to force by resort to justice; toward an international opinion which will be the true sanction of international law.

The noble words spoken by Mr. Root in 1906 at the Pan-American Conference represent the sentiment and the ideals of the people of the United States as truthfully and as forcefully today as when they were spoken seven years ago, for

governments may change, but the sentiments of the people remain the same. I like to think of this memorable declaration as the "Root Doctrine"—*the doctrine of sympathy and understanding, of kindly consideration and honorable obligation*—and I am proud to be considered worthy to speak of it as a humble apostle.

Since the visit of Mr. Root to your beautiful country in 1906, there have been great changes; marvelous progress has been made in the development of international law, of the law of peoples, and in this development the learned publicists and jurisconsults of Latin America have played a very important part.

The scientific development of international law, towards which Mr. Root has unsparingly devoted his great gifts, is making rapid strides. It has been said that the Second Hague Conference presented the greatest advance ever made at any single time toward the reasonable and peaceful regulation of international conduct, unless it be the advance made at the First Hague Conference.

It has been said, too, that the dreams and Utopias of today are the facts of tomorrow. The dreams of yesterday are the realities of today. The dreams of Rolin-Jaequemyns, Lieber, Calvo, Alcorta and other inspired leaders are accomplished facts today; the spirit of their doctrines has become principles of our present conduct.

The Trustees of the Carnegie Endowment believe that this progress can be hastened by practical methods. They are convinced that the ideas of the great thinkers can be advanced more quickly to the benefit of the world, by uniting their efforts in certain well-defined, practical activities. The object of my visit is to ask your invaluable support and co-operation.

Mr. Root, who would leave the absorbing cares of political life to devote the greater part of his energies to this cause, feels special interest in certain plans of the Endowment which are of greater moment, and he has urged me to solicit your co-operation in this task:

To place the new American Institute of International Law on a sure and more permanent basis, by creating in each State of America national societies, affiliated with the American Society and forming an integral part of the same;

The creation of an Academy of International Law at The Hague, each government to send one or more representatives;

The organization in each country of national branches of the Society for International Conciliation, established at Paris and of which Baron d'Estournelles de Constant is President;

The creation of new intellectual ties by means of an exchange of professors and students between the universities of South America and of the United States, as well as through the visits of representative men.

I hope you will pardon my having kept you so long. On another occasion I hope to enter into further details regarding the ideas and desires of Mr. Root. In closing I invite you to bestow upon these practical projects your earnest considera-

tion, not only that the bonds of friendship and solidarity between our beloved countries may be strengthened, nor merely that there be created an intellectual union among the American Republics, but that humanity may be benefited and the ends of liberty and justice furthered among the nations of the world.

### Remarks of Dr. Luís M. Drago,

INTRODUCING MR. BACON AT THE RECEPTION OF THE FACULTY OF LAW,  
BUENOS AIRES, OCTOBER 16, 1913

[*Translation from the Spanish*]

I have the honor of welcoming and of introducing to the select audience gathered to hear him, Mr. Robert Bacon, one of the leaders of thought of the United States of America, who has come to Buenos Aires on a mission of continental brotherhood.

Mr. Bacon, formerly Secretary of State of the United States, and her Ambassador to France, is to-day a Trustee of the University of Harvard; and to the prestige of his clear mind and to his high personal attainments he now adds the credentials of special envoy of the renowned Carnegie Endowment for International Peace, constituted in the United States for the promotion of peace and friendship among the nations of the world. Mr. Bacon, statesman, scholar and noted educator, represents the very best of the high intellectual order to which he belongs, and is in every way worthy to continue the work of Mr. Root, that leader among orators and statesmen of the Western World who accomplished so much in his memorable voyage to Latin America toward promoting a better understanding among the peoples of America, pointing out to them the vast moral and intellectual heights to be attained through collective effort.

Mr. Bacon who, in his desire to bring to the South American nations the message of friendship sent by the Carnegie Endowment, did not object to a long and trying voyage, thus becomes the apostle of the old humanitarian ideal and of the spirit of solidarity, justice, respectful consideration and kindly feeling which has ever been the inspiring motive of the foreign policy of the Argentine Republic.

On behalf of the Faculty of Law, I take pleasure in welcoming our illustrious guest, and asking him to honor us with an address.

### Address of Mr. Bacon

[*Translation from the French*]

*Excellencies, Ladies, and Gentlemen:*

I cannot find words to express my high appreciation of the very great honor done me today by the Faculty of Law.

Believe me when I say that I am deeply touched by the courtesy you have shown me in inviting me to attend this meeting, held under the auspices of your leaders of thought, and to address you on the subject of my mission.

I thank you, Sir, from the bottom of my heart for the all too kind words in which you have referred to me and which I so little deserve.

It is a great pleasure to me to be able to visit, though only for a few days, far too short indeed, a few of the nations and countries of South America, for it has always been one of my fondest wishes, which as yet I have been able only partially to realize, to see with my own eyes your wonderful countries, the marvels of your civilization, to meet again the friends whom I have known and loved in other parts of the world, and to form new friendships, which will add another charm to life, which neither time nor distance can ever obliterate or cloud. I come, bearing a message of good will from your devoted friend and great admirer, Mr. Elihu Root. It is at his request, anticipated by my own desire, that I have the honor to stand before you. I would that I could say to you all that he himself would say, if he were present and could greet you with his old friendship. Our words would differ perhaps, but the spirit behind them would be the same.

I should like to have you think of me as inaugurating a series of international visits, which will follow each other without interruption and turn to our mutual advantage, by bringing together authoritative representatives of the social and intellectual circles of the North and of the South; and inviting you to coöperate in the establishment of international institutions, which will, we hope, become centers of good will, and spread and popularize correct and progressive principles of international law, on which may depend peaceful international relations, and which, in different ways, directly and indirectly, by means of an exchange of thought, an exchange of views, and a happy combination of efforts, will succeed in strengthening the bonds of friendship, which a common past, common institutions, and a common goal demand.

History and nature have created and developed a deep feeling of solidarity, not only between the States of Latin America, but also between the Republics of the South and the United States. We must endeavor to maintain and strengthen this solidarity which, because of its double origin, indissolubly unites the nations of the new continent in the past, in the present, and in the future.

It suffices to glance at the political history of the New World to see the constant interest of the United States in the struggle of the States of Latin America, first to free themselves from the mother country, and then to defend the independence they had won against all attempts at conquest on the part of European powers. It suffices briefly to recall that after their emancipation, the United States furnished the Latin States with the forms and bases of their political institutions, especially of their republican and democratic government, at a time when the old political institutions of Europe were far from satisfying the ideals of liberty and the social conditions of the two Americas.

All this glorious past in the history of the New World should strengthen the indestructible bonds of solidarity which have united the American nations since the beginning of their political life.

Nature fortifies the work of history. The geographical situation of the States of the New World has brought into being a series of problems common to the States of this Continent, thus creating among them new bonds of solidarity. Thanks to the progress of civilization and the improvement in the means of communication, America has come today to understand the imperative necessity of solving in a uniform manner problems arising from situations and conditions peculiar to the New Continent.

Outstripping Europe, where the great powers meet in conference only at the end of war, in order to determine the conditions of peace, all the States of America have met in pacific conferences, for the purpose of considering questions common to their continent; whence the name and the origin of the Pan-American Conferences. These conferences have been most fruitful in their results. A number of problems of interest to America have been studied; important conventions have been signed, with a view to the development of the social and the intellectual life of the New World. Finally, the representatives of the various American States have learned to know each other better, and have become aware of the many powerful bonds that unite all the American States.

The sentiments of solidarity and of fraternity, which group the States of the New World in a community of interests, must bring forth union and concord. The way is already open; many fruitful results have been obtained. We must therefore endeavor to achieve, in an ever increasing degree, good understanding and harmony. We must remove especially the misunderstanding on the part of the South American States of the policy of the United States. As Mr. Root has solemnly declared, the latter country desires more than all else that peace and prosperity may reign in Latin America, in order to strengthen and tighten the bonds of friendship and fraternity which should unite all the American nations.

I have the honor to address you, not merely on my own account, but in the name of the Carnegie Endowment for International Peace, of which Senator Root is the President, and to invite you, in the name of and on behalf of the Trustees of the Endowment, to coöperate with us in every way that you possibly and properly can.

In other words, Mr. Root's desire is to awaken, so far as possible, the interest and the sympathetic collaboration of the leaders of thought in South America and to enlist their aid in the various undertakings that the Endowment is seeking to promote, in the interest of better international relations, so that they may coöperate in a practical way in the work.

The esteem and friendship of the Trustees of the Endowment for the peoples of Latin America and for the many distinguished Latin Americans with whom they have most agreeable relations of personal friendship lead them to hope that the work of the Endowment may find in South America collaborators as active and as useful as those it has found in Europe.

Let me quote to you *verbatim* a passage from the instructions given me by Mr. Root, instead of paraphrasing them, as I have done on several former

occasions. "You will observe," said he, "that one of the means by which the Division of Intercourse and Education proposes to advance international good understanding is a series of international visits of representative men. Accordingly, under the auspices of the Division, directly or indirectly, Baron d'Estournelles de Constant of France, the Baroness von Suttner of Austria, and Professor Nitobe of Japan have already visited the United States, and President Eliot of Harvard University has visited India, China, and Japan, and Dr. Hamilton Wright Mabie is now in Japan. Your visit to South America comes in this category, but it has a more definite and specific purpose than any of the other visits which I have enumerated or which are contemplated under the head that I have mentioned, for it is not merely to strengthen good understanding by personal intercourse between a representative North American and representative South Americans, but it is also to introduce to representative South Americans personally the work and purposes and ideals of the Endowment, and to invite our friends in South America to cordial and sympathetic union with us in promoting the great work of the trust."

Such is the spirit of kindly feeling and genuine sympathy that has inspired my mission. I do not need to tell you that I am endeavoring to fulfil it in the same spirit.

I regret that I find myself today forced to confine my remarks to details that are somewhat dry and uninteresting, at a time when under the spell and the inspiration of your gracious welcome and of your charming hospitality, I would like to speak again and again of our ideals, of our hopes. For I am proud, Sir, to share your optimism, and I have an inner conviction that, in spite of the clouds gathered through mistrust and skepticism, we are on the eve of a great progressive and liberalizing movement, and can perceive afar the dawn of a brighter day.

The principles and the philosophy of life of the past century will not suffice. We shall need new laws, a new political economy, new principles of international law.

You have done me the honor to ask me for further details about certain projects of the Endowment.

The work of the Endowment has been apportioned among three Divisions:

1. The Division of Intercourse and Education, of which Dr. Nicholas Murray Butler, President of Columbia University, is Director.
2. The Division of Economics and History, of which Dr. John Bates Clark is Director.
3. The Division of International Law, of which the Secretary of the Endowment, Dr. James Brown Scott, is Director.

As regards the Division of Intercourse and Education, it was evident that its activities would necessarily apply to foreign countries and that it was essential for the success of its undertakings that its work in foreign countries



should be performed by local agents rather than by officers of the Endowment. As it was impossible to determine far ahead what should be undertaken and what methods should be applied, without advice from competent and experienced leaders of thought in the various countries, Dr. Butler, Director of the Division, formed a Consultative Committee of European statesmen and publicists, and a corps of correspondents, upon whose opinion and sympathetic coöperation he can always count.

We have wondered whether it would be agreeable to the leaders of thought in Latin America to create an organization somewhat similar to the General Consultative Committee already formed in Europe.

The Division has inaugurated visits of eminent men and an educational exchange with Japan. I hope to be able to obtain advice and information in South America which will enable us to begin in the near future a mutual exchange of professors and students with Latin America.

The Endowment is anxious to have the exchange begin at once by the sending of two eminent savants or publicists of South America to the United States, and two North Americans to South America. Each of these gentlemen would devote his time to two institutions in the continent that he visits.

It is useless to dwell upon the wisdom and the timeliness of these projects, for it is common knowledge that many of the misunderstandings that exist between nations are the result of ignorance of local conditions, traditions and ideas. Personal contact proves that all men are at bottom strangely alike, and that personal contact, discussion, and an exchange of ideas lay the foundations that are indispensable for friendship and good understanding.

One of the activities to which this Division attaches great importance is the establishment of Associations for Conciliation throughout the world.

A few years ago the parent association was organized at Paris by Baron d'Estournelles de Constant. The branch in the United States, of which Dr. Butler is President, was created in 1906. The German Association and the English Association were organized in 1912, and I am charged to appeal to interested persons in the countries that I have the honor to visit, to coöperate by organizing branch societies of International Conciliation to be connected with the parent society in Paris. These associations, although local in origin, have nevertheless an international mission and seek to create, by their meetings and the useful pamphlets that they regularly publish, friendly feelings towards the peoples of foreign countries.

Permit me to lay before you the aims and purposes of societies for International Conciliation in the words of the founder of the parent society at Paris. In a memorandum which he was good enough to prepare on this subject, Baron d'Estournelles de Constant says:

Conciliation is not a sentimental or humanitarian organization; it is a practical and patriotic step forward in the national interest of each country, particularly of young countries, which need to devote all their strength and

resources to their development. Its aim is to insure a safe tomorrow for the world of business and of labor—for the farmer, the manufacturer, the merchant, as well as for the artist and the savant;—to make it possible for them to plan and undertake work for the future.

Conciliation is the modern indispensable complement of the economic efforts of every civilized country. To develop national prosperity with the aid of peaceful international relations, such is our effort, summed up in our motto: *Pro patria per orbis concordiam*.

Wars of conquest no longer pay; they engender only hatred, reprisals, the ever increasing burdens of an armed peace. These burdens have become, among the masses, one of the most powerful arguments in favor of socialism and revolution.

The only worthy wars are wars of independence; but no one is threatening the independence of the American States. They will become stronger by learning to know each other better, than by arming themselves against one another.

Arbitration, on the contrary, has stood its test—witness the Alabama, the Hull, the Casablanca, the Bering and Newfoundland fisheries cases, etc.

Organize arbitration rather than war, but always prefer conciliation to arbitration.

Such is our conception, our rule of life.

I sum it up thus:

War rather than slavery;  
Arbitration rather than war;  
Conciliation rather than arbitration.

Arbitration mends, conciliation prevents. Conciliation substitutes the spirit of fruitful coöperation for the barren routine of antagonism.

The Endowment is disposed to assume the expenses incurred in the organization of these societies and to supply the necessary funds to secure the services of secretaries capable of energy, devotion, perseverance, and intelligence, upon whom depends the usefulness of these societies.

I shall now take up the work of the Division of Economics and History.

The function of this Division is "To promote a thorough and scientific investigation and study of the causes of war and of the practical methods to prevent and avoid it."

A conference was held at Berne, Switzerland, in August, 1911, to which distinguished economists and publicists from all Europe were invited, to examine questions which could be properly and practically studied, and to draw up a tentative program for the Division.

A great number of subjects have already been assigned to specialists chosen in the countries to which their work applies. Some of these studies are already completed and within a few years the Endowment will have published a series of noteworthy volumes, covering all the phases of the program, which will be,—in the language of Mr. Root,—“useful to mankind.”

Professor Kinley, an old and sincere friend of Latin America, who represented the United States in the Fourth Pan-American Congress held at Buenos Aires, has been appointed a member of the Committee of Research, and he will devote

himself more particularly to the problems in which Latin America is interested. He will visit Latin America, certainly during the course of next year, in order to confer with its leaders of opinion, with a view to obtaining their advice, and if possible, their coöperation in the execution of the projects that they may recommend.

The third Division of the Endowment is the Division of International Law.

This Division, like the others, has found it necessary to create a special organization and to secure the services of a corps of jurists, in the correctness of whose opinions in legal matters the Trustees can have full confidence.

The Institute of International Law is composed,—it is hardly necessary to say,—of the most eminent jurists of all nations, and the Endowment has asked the Institute to act either as a body or through a committee specially appointed for this purpose, as adviser to the Division of International Law. The Institute has accepted this task, and appointed a committee of eleven at its Christiania meeting in 1912, called the Consultative Committee for the Carnegie Endowment. This Committee has acted during the present year as adviser to the Director and has drawn up regulations, which have been accepted by the Institute, and by means of which the relations established between the Institute, on the one hand, through its Consultative Committee, and the Endowment, on the other, through its Division of International Law, should become permanent.

The Committee is composed of eleven members, of which the President and the Secretary General of the Institute are members *ex officio*. The other members are elected for a fixed term of years. It should be stated that the members of this Committee are men of great experience and of high authority in all questions pertaining to international law: They are Messrs. Fusinato of Italy; Gram and Hagerup of Norway; Holland of England; Lammasch of Austria; Lardy of Switzerland; Renault of France; Rolin of Belgium; and Vesnitch of Serbia.

The Division has several works in preparation. The first is a collection of all general and special treaties of arbitration; and with regard to the treaties of the nineteenth century, the Endowment would be very grateful to the publicists of Latin America if they would kindly furnish information about certain questions, on which they have the best, perhaps the only knowledge, and the Trustees of the Endowment would appreciate as a great favor on the part of the Governments of Latin America, if they would kindly furnish copies of these treaties, inasmuch as it is very difficult always to procure texts that are absolutely accurate and trustworthy. All known cases of international arbitration are to be collected and published in the form of legal reports, and the series will be continued indefinitely. Professor John Bassett Moore, the well known authority in matters of international law and arbitration, recently professor at Columbia University and at present Counselor for the Department of State of the United States, is in charge of this monumental work and is actively engaged upon it.

The Institute of International Law, which acts as adviser to the Division of International Law, was created in Europe in 1873; but, although this Institute

represents the "universal legal conscience", many jurists have felt the need of an institution to represent the legal conscience of America, to study the problems that interest the New World in particular, and to consider, from the American point of view, general questions in the law of nations.

As you know, an American Institute of International Law was founded in 1912 by Mr. Alejandro Alvarez of Chile and Dr. James Brown Scott, the Director of the Division of International Law of the Endowment. This Institute contemplates the formation of National Societies of International Law in every American country, to be affiliated with it and to work in harmony with it in studying American problems, with the view of developing international law, of making known its principles in all countries, and of contributing to the peaceful relations of nations, because these relations, if enlightened public opinion so demands, will be based upon the principles of an equitable and highly developed system of international law.

The American Institute of International Law will be composed of five publicists from each of the American Republics, selected by the charter members of the Institute from among the members of the National Societies, and every member of a National Society has, by virtue of such membership, the right to be enrolled as an associate member of the Institute and to participate in its labors.

Lest I appear to be describing in exaggerated terms the aims and purposes of the American Institute of International Law, of which Mr. Elihu Root is the Honorary President, let me quote a passage from a learned Dutchman, a professor of international law, who may be supposed to treat this matter more disinterestedly. After speaking of the great example that America has set the world by undertaking the codification of international law, he says:

The second example is furnished us by an Institute essentially scientific, whose moral influence is almost as great. The gradual drawing together of the North and South has created a new instrumentality of progress. The projects of a Pan-American Union, which were launched long since, but have never succeeded, have at last brought forth a favorable result in the field of peaceful studies, thanks to the talent and the perseverance of two illustrious men, one in the northern, the other in the southern half of the Western Hemisphere. In the course of the past year Mr. James Brown Scott, the noted jurist of the United States and Mr. Alejandro Alvarez, formerly professor and Counselor to the Ministry of Foreign Affairs of Chile, who in June 1912 at Rio exerted a most salutary influence on the great project of codification, met at Washington and founded, in October 1912 the American Institute of International Law. This Institute has for its object: (1) To contribute to the development of international law; (2) to strengthen the common sentiment of international justice; (3) to bring about universal acceptance of peaceable methods of settling international disputes between the American States.

This brilliant idea sprang from the conviction that it is better to spread conceptions of law and justice by a slow but constant infusion into the heads and hearts of nations than by diplomatic negotiations, which do not rest on popular sentiment.

If we take into consideration the fact that the peace movement is far more widespread in America than elsewhere, that it rests either upon a religious basis, or upon a community of interests and of tendencies that may well be envied, we can appreciate at its true value this further proof of vigorous progress which has come to us from the other side of the ocean. It revives our hope and impels us to increase our efforts.

Mr. Root and his colleagues attach the greatest importance to the establishment and the satisfactory operation of the American Institute of International Law and its affiliated societies in each of the American countries.

The Endowment grants at present a subvention to the older Institute, founded in Europe. This subvention is to cover the traveling expenses of the members of the Institute, expenses incurred by its commissions and the publication of their proceedings and reports. The new Institute can count on receiving financial aid from the Endowment as soon as the national societies are definitely formed, and upon being placed on the same footing as the older Institute.

The *American Journal of International Law*, which, with a few slight changes, could be made the organ of the American Institute, already receives an annual subvention from the Endowment.

Another institution in which the Division of International Law takes great interest, and which it will maintain with a subvention, is the Academy of International Law, which it is proposed to establish at The Hague.

A proposal was made at the Second Peace Conference at The Hague for the creation of an Academy of International Law, and the plan was developed by the President of the Conference. No resolution was passed at the time, but the idea impressed itself upon the publicists of every nationality. A committee of Dutch publicists, under the presidency of Mr. Asser, whose recent death we all deplore, has taken the initiative in the creation and installation of such an Academy in the Peace Palace at The Hague.

The Court of Arbitration would apply the law, which would be systematically taught in the Academy, and the marvelous palace, which was officially opened in the month of August last, would become indeed a Temple of Peace, the home of International Law.

Mr. Asser's proposition contemplates systematic instruction, during the summer months, in international law and subjects pertaining thereto, by a specially constituted and changing faculty, in that the professors would be chosen from among the publicists of different countries. Courses of lectures would be given on important and timely subjects by publicists, who, in addition to long theoretical training, had acquired great experience in the practice of international law.

It is also proposed that the Governments should become interested in the Academy and that they be invited, through diplomatic channels, to designate appropriate officials in their various departments, to take the courses of the Academy.

The Institution would be unique in its summer sessions, unique in its small and changing faculty, and unique in its student body gathered from various foreign countries and from official circles. The lectures, published in the form of pamphlets, would enrich the literature of international law. The law itself would be treated from different viewpoints by competent professors, no two of whom would be from any one country. The student body would be recruited from different countries, and little by little they would exert an influence in their respective countries, so that the Academy would greatly aid in bringing about a better understanding of international rights and duties and in disseminating the principles of justice.

When constituted, the Academy will form a separate and independent institution under the control of a committee or *curatorium* specially appointed, composed principally of former Presidents of the Institute of International Law. Thus organized and operated, it would promote the object for which the Endowment was created, but it would not be a direct agency of the Endowment, nor under its control.

Mr. Root has charged me to submit to you the plan of this Academy and to request the coöperation of all the Republics of Latin America, with the view of designating one or more of their citizens to attend the lectures and courses of instruction which will be given at the Academy when established.

Another matter which I have been charged to bring to your attention is the formation of National Committees to examine questions which might properly appear in and form a part of the program of the next Hague Conference, which committees will put themselves in communication with similar committees formed in all the American countries.

It is general knowledge that the Second Peace Conference at The Hague in 1907 proposed the meeting of the Third Conference at a time approximately equal to that which elapsed between the First and the Second Conferences; that is to say, eight years, so that, if the proposal is put into effect, we can expect the meeting of the Third Conference approximately in 1915.

It was also stipulated in the above mentioned proposal that some two years before the probable meeting of the Conference, an international preparatory committee be constituted by common agreement among the Powers.

It is evident that the various countries that will be invited to The Hague should examine these important questions before the constitution of the International Preparatory Committee, and it appears advisable, if not necessary, that each Government should name a committee to examine these questions in detail, so that the Governments may be in a position to formulate their propositions in the fulness of knowledge.

As the American Republics will consider it their right to attend the Conference, it is their duty to prepare themselves in advance for an active participation in its proceedings. They should seek to increase the usefulness of each

successive Conference by making important contributions to them, and that can be accomplished only if they carefully prepare in advance for the meeting.

It is not expected that the American States will present a series of projects in common to the Conference, nor that they will submit propositions in common, but, if the various Governments exchange views, so as to reach an agreement on the questions that, in their opinion, should be presented and that might enter into international treaties, it would considerably facilitate matters.

The eminent French publicist, Professor A. de Lapradelle, refers in the following words to the coöperation of the American Republics in preparing questions for discussion at The Hague:

The Second Peace Conference, by calling to The Hague all the American States, brought to light disagreements among them on certain points. All of them have not the same conception of the law of peace nor of the law of war. How then can Europe be convinced of the correctness of American views, if America herself is not already so convinced? And again, how much more weight American propositions will carry when they proceed, not from this or that State, but from America as a whole, whose publicists having studied them in the American Institute of International Law, have adopted them in the Pan-American Conferences!"

Permit me to make a final quotation from Mr. Root:

The Trustees of the Endowment are fully aware that progress in the work which they have undertaken must necessarily be slow and that its most substantial results must be far in the future. We are dealing with aptitudes and impulses firmly established in human nature through the development of thousands of years, and the utmost that any one generation can hope to do is to promote the gradual change of standards of conduct. All estimates of such work and its results must be in terms not of individual human life, but in terms of the long life of nations. Inconspicuous as are the immediate results, however, there can be no nobler object of human effort than to exercise an influence upon the tendencies of the race, so that it shall move, however slowly, in the direction of civilization and humanity and away from senseless brutality. It is to participate with us in this noble, though inconspicuous, work that we ask you to invite our friends in South America with the most unreserved and sincere assurances of our high consideration and warm regard.

Excellencies, Ladies and Gentlemen, let me in closing again express my most sincere thanks for the great honor done me by the Faculty of Law, as well as my deep gratitude for your kindly and sympathetic welcome.

## APPENDIX IV

### *Uruguay*

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Remarks of the American Minister, Hon. Nicolay Grevstad,

AT A LUNCHEON GIVEN BY HIM FOR MR. BACON AT THE URUGUAY CLUB,  
MONTEVIDEO, OCTOBER 20, 1913

[*Translation from the Spanish*]

*Excellencies, Ladies and Gentlemen:*

Our warmest welcome to our distinguished guests, heralds of peace and brotherhood!

We all know that Mr. Bacon is amongst us to-day as the representative of the Carnegie Endowment for International Peace. We know, too, that never more than to-day is it everywhere necessary to wage the war of reason against the war of violence. It is a very happy sign that so illustrious a man as our guest should have consecrated his energies to the cause of international peace. We can assure him that Uruguay stands ready to heed his good words. We can assure him, too, that Uruguay, rich in its fertile lands, in its strong, intelligent and progressive people, in its financial and commercial honor—as pure as the gold which has ever been the basis of its monetary system—that Uruguay, I repeat, will heartily welcome Mr. Bacon, his charming wife and daughter and the friends who accompany him. We extend our heartiest greetings to all!

#### Response of Mr. Bacon

[*Translation from the Spanish*]

I am most grateful, Mr. Minister, for your words of welcome, as well as for the opportunity afforded me of meeting our countrymen fraternizing with this distinguished group of Uruguay's citizens. Please accept, Excellencies, my sincere thanks for your kind reception and for the many courtesies showered upon me and my family.

The people of the United States are well aware that all that the Minister has just said in praise of Uruguay is true. As the representative of the Carnegie Endowment for International Peace, I am charged with a message of affectionate greeting from its eminent President and your cordial friend, Hon. Elihu Root, my honored chief, whom I love and whom you, gentlemen, I know, also esteem.

My mission for the Endowment has been referred to as a mission of friendship and goodwill. That is very true and I am proud of it, but since ties of friendship already bind us, may we not go further than that? For my part



I should like it to be regarded as a mission of coöperation and mutual help among old friends, with the object of planning practical means whereby we can work together and march forward toward progress, toward the ideal of humanity, toward greater enlightenment for the triumph of right in the world, replacing resort to force by resort to justice; toward an international opinion which will be the true sanction of international law. We believe that there are several practical ways whereby this coöperation can be obtained with but little delay, and I expect to explain these to you tonight. The purpose of my mission is to lay these plans before you and to solicit your invaluable coöperation. I am delighted to see side by side in this room the colors of our two flags, those of Uruguay and of the United States, and I pray that just as our two flags are here entwined so may the hearts of our two peoples be ever united in lasting friendship.

To the Republic of Uruguay, to its continued friendship with our country and to the ladies who have honored us with their presence.

### Address of Mr. Bacon

AT A RECEPTION AT THE ATENEO,  
MONTEVIDEO, OCTOBER 20, 1913

[*Translation from the Spanish*]

#### *Ladies and Gentlemen:*

You will pardon me, I know, if I venture to address you in your beautiful language, whose rhythm attracts me irresistibly, but which, to my very great regret, I speak haltingly.

I am profoundly touched by this new evidence of kindness shown me by inviting me to be present at this meeting, held in this Temple of Science and Letters under the auspices of your famous intellectual leaders.

Words fail me with which to express the sentiments of my deep appreciation for the eloquent remarks of your eminent orator, scholar, poet and statesman.

In my own name and on behalf of the distinguished statesman whose mission I bear, Senator Elihu Root, I thank you with all my heart for your kind words of welcome, for this cordial reception and for the flattering words addressed to my humble self and so little deserved.

It is a very great pleasure for me to be permitted to visit, if only for a few days, far too short, some of the peoples and countries of South America; for it has been one of my most cherished dreams, which I have been able only partially to realize as yet, to see with my own eyes your wonderful countries, the marvels of your civilization, to meet again friends whom I have known and loved in other parts of the world, to make other friendships which will add a new joy to life, and fill me with memories which neither time nor distance can dim or efface. I come charged with a message of good will from your devoted friend and great admirer, Mr. Elihu Root, at whose request,

anticipated by my own desire, I have the honor to appear before you. I wish I could say to you all that he would say, were he here in person to address you and to greet you as an old friend. The expressions might differ, perhaps, but I assure you the spirit behind them would be one and the same.

I would like to have you look upon me as inaugurating a series of international visits which will follow each other without break and be mutually advantageous by bringing together accredited representatives of life and thought of the Southland as well as of the North; and inviting you to cooperate in the establishment of international institutions which will, we hope, become centers of good will, develop and popularize just and progressive principles of international law upon which good relations must depend, and in various ways, directly and indirectly, by an exchange of thought, an exchange of views and a happy combination of effort, result in strengthening the bonds of friendship which a common past, common institutions and a common goal urge and demand.

History and Nature have inspired and increased a deep feeling of solidarity, not only between the countries of Latin America, but also between the Republics of the South and the United States. It behooves us to maintain and strengthen this solidarity which, by reason of its two-fold origin, unites inseparably the nations of the new continent in the past, in the present and in the future.

One need only glance at the political history of the New World to see the constant interest the United States has taken in the struggles of the Latin American nations, first to free themselves from the mother country and then to defend the independence they had won against all attempts at conquest on the part of European nations. Moreover we might briefly recall that, after the emancipation, the United States furnished the Latin States with the forms and basic principles of their political institutions, particularly of their republican and democratic government, exactly at a time when the ancient political institutions of Europe were far from responding to the ideas of liberty and to the social conditions of the two Americas.

All this glorious past in the history of the New World should strengthen day by day the indissoluble bonds of solidarity which have united the American nations since the beginning of their political life.

Nature has added to the work of History. The geographical situation of the States of the New World has brought into being a series of problems common to all the States of the Continent, thereby creating among them new ties of union. Thanks to the progress of civilization and the perfection of means of communication, we in America have come to see the imperious necessity of solving in a uniform manner, the problems arising out of situations and conditions peculiar to the New Continent.

Anticipating Europe in a way, whose great Powers meet in conference only at the conclusion of wars to determine the conditions of peace, all the American States have met together in pacific conferences in order to discuss

questions common to their Continent—hence the name and origin of the Pan-American Conferences. These conferences have borne abundant fruit—a number of problems of interest to America have been studied; important treaties have been signed with a view to developing the social and intellectual life of the New World; and, finally, the representatives of the several American States have learned to know each other better and have come to appreciate how many and how strong are the ties which bind the American nations together.

The sentiments of solidarity and fraternity which unite the countries of the New World in a community of interests should create a work of union and concord. The way is already open; numerous and fruitful results have been obtained; the time has come, therefore, to establish in ever increasing measure, good understanding and harmony. Above all, it is necessary to correct a misunderstanding by the South of the political purposes of the United States. As Mr. Root solemnly declared when he was among you, the United States desires above all that peace and prosperity reign in Latin America in order to strengthen and to tighten the bonds of friendship and of brotherhood, which should unite all the American peoples.

I have the honor to address you not merely on my own account, but on behalf of the Carnegie Endowment for International Peace, of which Senator Root is President, and to invite you in his name and on behalf of its Trustees to coöperate with it in such ways as you may consider possible and advisable.

In other words, the wish of Mr. Root is to enlist as fully as possible the sympathetic interest of the leaders of thought in South America in the various enterprises for the improvement of international relations and to bring about their practical coöperation in that work.

The respect and friendship which the Trustees of the Endowment entertain for the peoples of Latin America and for the many distinguished Latin Americans with whom many of the Trustees have most agreeable relations of personal friendship, lead us to desire that the work of the Endowment may have such active and useful coöperation in South America as it has already secured in Europe.

Permit me to explain briefly the work of the Endowment, and to outline certain practical projects in which Mr. Root and his associates desire your hearty coöperation.

I regret that today I find myself confined to details somewhat dry and, I fear, rather uninteresting at a moment when under the charm of your warm welcome and your generous hospitality—in this atmosphere of freedom, consecrated by so many struggles and by so many heroes—I would prefer to dwell upon our ideals, our hopes of the visions dreamed of by your Artigas and by our Washington. For I am proud to share your optimism, sir, and I have an abiding conviction that, despite the clouds gathered by opposition and unbelief, we are at the beginning of a great movement of progress in the evolution of the freedom of the world and that from afar we may see the dawning of a brighter, purer day.

The principles, the philosophy of the last century are no longer sufficient to our needs. We must have new rules of political economy, new principles of international law.

To carry out the work of the Endowment it has been organized into three divisions:

- The Division of Intercourse and Education;
- The Division of Economics and History;
- The Division of International Law.

To aid in the work of the first Division, Dr. Butler, its Director, has created an Advisory Council of representative European statesmen and publicists, to which has been associated a body of correspondents.

We have asked ourselves whether it would be agreeable to leaders of thought in Latin America to create an organization somewhat similar to the General Council which has already been formed in Europe.

The Division has inaugurated an exchange of visits of representative men and an educational exchange with Japan, and I hope to be able to obtain information and advice in South America which will enable us to begin in the very near future a mutual exchange of professors and students from Latin America.

I am instructed to suggest that the exchange begin at once by the annual visit of two eminent South American scholars or publicists to the United States and two North Americans to South America. Each of these men would divide his time between two universities in the country which he would visit.

One of the activities to which this Division attaches much importance has to do with the organization of Associations for International Conciliation throughout the world.

The parent Association was formed by Baron d'Estournelles de Constant in Paris some years ago. Branches have been established already in the United States, Germany and England, and others are in the course of formation.

I am directed by my instructions to invite the coöperation of interested persons in the countries which I have the honor of visiting, to organize branches of International Conciliation to be affiliated with the parent branch at Paris. These associations, while local in origin, have nevertheless an international mission and tend to create by their meetings and excellent pamphlets which they regularly issue, a friendly feeling towards the peoples of foreign countries.

"The Association for International Conciliation", says Baron d'Estournelles de Constant, "is not a sentimental, humanitarian organization. It is a practical, patriotic advance followed in the national interest of each country particularly in young countries which must consecrate all their forces and resources to their own development.

"Conciliation is the modern, indispensable complement of economic effort in every civilized country. To develop the national prosperity by the promotion of good international relations; such is our object summed up in our motto: *Pro Patria Per Orbis Concordiam.*

“Undertake arbitration rather than war, but prefer always conciliation to arbitration. Our idea, our rule of life is this:

“War rather than slavery.

“Arbitration rather than war.

“Conciliation rather than arbitration.

“Arbitration cures; conciliation prevents.

“Conciliation substitutes fruitful coöperation for sterile antagonism.”

The Endowment will provide for the expenses incident to the organization of these associations.

Let me now describe the work of the Division of Economics and History.

The work of this Division is “to promote researches into and a profound, scientific study of the causes of war and of the practical method to prevent and avoid it.”

A conference was arranged at Berne in Switzerland two years ago, to which distinguished economists and publicists, drawn largely from Europe, were invited, to consider the subjects that could properly and profitably be studied and to draft the tentative programme for the Division.

A large number of topics have already been assigned to specialists selected from the countries to which their work relates; some of the studies have been completed, and, in the course of a few years, the Endowment will have published a series of remarkable monographs, covering all phases of the elaborate programme, which will, it is believed,—to quote the language of Mr. Root—“be useful to mankind.”

Professor Kinley, an old and sincere friend of Latin America, who represented the United States at the Fourth Pan-American Conference held in Buenos Aires, has been appointed a member of the Committee of Research, and he will devote himself more especially to the problems in which Latin America is interested, and, in the course of the coming year, he will visit Latin America to confer with the leaders of opinion to obtain their advice and, if possible, to gain their coöperation, both in suggesting and in executing those projects which they may recommend.

The Third Division of the Endowment is the Division of International Law.

This Division, like the other Divisions, found it necessary to create a special organization and to have a body of advisers.

The Institute of International Law consists, it is hardly necessary to state, of the leading authorities of all nations, and the Endowment requested the Institute to act as advisor to the Division of International Law.

The Institute accepted the invitation and selected a committee which has acted as advisor to the Director.

The Division has under way several works. The first is a collection and publication of all general and special treaties of arbitration, and, in regard to the treaties of the nineteenth century specially, the Endowment would be very grateful to the publicists of Latin America if they would supply information on certain

questions of this nature, which is best known to them and which may perhaps be known only to them; and the Trustees would regard it as a very great favor if the governments of Latin America would supply copies of such treaties, as it is very difficult to obtain at all times accurate and reliable texts. All known instances of international arbitration will be collected and published with notes.

The Institute of International Law which now acts as Counsellor for the Division of International Law was founded in Europe in 1873, but, although the Institute represents "the universal juridical conscience," many jurisconsults have felt the need of an institution which should represent the juridical conscience of America, study the problems which concern particularly the New World and examine from the American point of view general matters relating to the Law of Nations.

As you are well aware an American Institute of International Law was founded in 1912 by Señor Alejandro Alvarez of Chile and Doctor James Brown Scott, Director of the Division of International Law of the Endowment. This Institute contemplates the formation of National Societies of International Law in all American countries, to be affiliated with it, and work in studying American problems, in making known their principles and in contributing to a better understanding among nations.

Lest I should seem to state in exaggerated language the aims and purposes of the American Institute of International Law, of which Mr. Elihu Root is Honorary President, let me quote a passage from a distinguished Dutch scholar and professor of international law, who may be supposed to treat the subject with more detachment.

After having spoken of the great example America has given to the world in undertaking the codification of international law, he says:

"The second example is given us by an Institute essentially scientific but scarcely inferior in moral value. This Institute has for its objects: (1) To aid in the development of international law; (2) to unite the common sentiment for international justice; (3) to procure a general acceptance of peaceful procedure in the settlement of international disputes among the American States.

"This luminous idea sprung from the conviction that it is better to spread conceptions of right and justice by a slow but constant appeal to the minds and hearts of peoples than by diplomatic negotiations which are not based on a general popular sentiment.

"If one considers that the peace movement in America is much more general than elsewhere and that it rests on a religious foundation or on a community of interests and enviable characteristics, one can appreciate this new proof of a virile progress which is brought to us from the other side of the ocean; it gives new life to our hopes and redoubles our efforts."

Mr. Root and his associates attach the highest importance to the establishment and successful operation of the American Institute of International Law and of its affiliated societies in each of the American countries.

The Endowment now grants a subvention to the older Institute founded in Europe. This subvention is designed to cover the traveling expenses of the members of the Institute, the expenditures of the commission and the publication of their work. The new Institute can count upon receiving financial aid from the Endowment, as soon as the National Societies are thoroughly organized, and upon being placed on an equality in this regard with the older Institute.

*The American Journal of International Law* which, with some slight modification, might become the organ of the American Institute, receives now an annual subvention from the Endowment.

Another institution in which the Division of International Law is greatly interested and which it will subvention and maintain with much pleasure is the Academy of International Law which it is proposed to establish at The Hague.

The proposal was made at the second Hague Peace Conference to create an Academy of International Law. No action was then taken, but the idea has commended itself to publicists of many nationalities. A committee of Dutch publicists, under the presidency of Mr. Asser, whose recent death we all deplore, suggested that such an academy be created and installed in the Peace Palace at The Hague.

Mr. Asser's proposal contemplates systematic instruction during the summer months in international law and cognate subjects by a specially constituted and changing faculty, to be chosen from publicists of different countries. Courses of lectures on important and timely subjects would be given by publicists who, in addition to long theoretical training, have had large experience in the practice of international law.

Mr. Asser also proposed that the governments should be interested in the Academy and invited through diplomatic channels to designate appropriate officials of various branches of the governmental service to attend the Academy.

The Institution would be unique in its summer sessions, unique in its small and changing faculty, and unique in its student body, drawn from every country.

The Academy would thus advance the work of the Endowment, but it would not be a direct agency of the Endowment nor under its control.

Mr. Root directed me to submit to your consideration the project of this Academy and ask the support of all the Latin American republics that they may designate one or more of their citizens to attend the lectures and follow the course of instruction at the Academy.

A matter to which I desire to call your present attention is the establishment of national committees to determine what subjects are to be embodied in the programme of the next Peace Conference at The Hague; it will be the duty

of these national committees to get into touch with the national committees organized in the various other American countries.

It is common knowledge that the second Peace Conference of 1907 recommended the meeting of the third Conference to be held at a period approximately equal to that which had elapsed between the first and second Conferences, that is to say, eight years, so that, if the recommendation is carried out, we may expect the third Conference to meet approximately in 1915. It was further provided in the recommendation that about two years before the probable meeting of the Conference an international preparatory committee should be constituted by common accord among the powers.

It is evident that the different countries which will be invited to The Hague should consider all these important matters before the constitution of the international preparatory committee, and it seems advisable—indeed necessary—that each government should appoint a committee to consider these matters in detail in order that the governments should be able to make their recommendations in the fulness of knowledge.

It is not expected that the American States should present a series of joint projects to the Conference, or joint recommendations, but it would greatly facilitate matters if the different governments should communicate their views so as to reach an agreement upon the subjects which in their opinion should be presented and which might form the subject of international agreements.

The five subjects which I am directed to lay before you and to solicit your coöperation therein are therefore, as follows:

The formation in each country of a National Society of International Law to be affiliated with the American Institute of International Law;

The establishment in each country of a National Society for International Conciliation to be affiliated with the parent Association for International Conciliation at Paris;

The appointment of National Committees for the consideration of contributions to the programme of the next Hague Conference, and for making arrangements for the inter-communication of such Committees among all American countries;

An educational exchange between the South American Universities and those of the United States, and international visits of representative men;

The participation of the American governments in the proposed Academy of International Law at The Hague, by providing for the sending on the part of each government of one or more representative students to that Academy.

Allow me to employ a final quotation from Mr. Root's instructions to me:

"The Trustees of the Endowment are fully aware that progress in the work which they have undertaken must necessarily be slow and that its most substantial results must be far in the future. We are dealing with aptitudes and impulses firmly established in human nature through the development of thousands of



years, and the utmost that any one generation can hope to do is to promote the gradual change of standards of conduct. All estimates of such a work and its results must be in terms not of individual human life, but in terms of the long life of nations. Inconspicuous as are the immediate results, however, there can be no nobler object of human effort than to exercise an influence upon the tendencies of the race, so that it shall move, however slowly, in the direction of civilization and humanity and away from senseless brutality. It is to participate with us in this noble, though inconspicuous, work that we ask you to invite our friends in South America with the most unreserved and sincere assurances of our high consideration and warm regard."

Excellencies, Ladies and Gentlemen: Before concluding I wish to express again to you my most sincere thanks for the great honor which has been done me, and to testify my profound gratitude for your warm and sympathetic welcome.

### Remarks of Señor Emilio Barbaroux, Minister of Foreign Affairs,

AT A DINNER GIVEN BY HIM FOR MR. BACON, AT THE URUGUAY CLUB,  
MONTEVIDEO, OCTOBER 21, 1913

[*Translation from the Spanish*]

*Mr. Bacon:*

In your address last night you summarized the purposes of your mission, telling us that where there is a nation there is also a law of nations, and that in all cases of misunderstanding between nations, conciliation should be preferred to arbitration, and arbitration to war.

Although facts from their very nature show that the thought of suppressing appeals to arms is as yet in the realm of idealism, nevertheless, every earnest effort directed to this end should deserve our approval and our sympathy; and they have already been accorded you by the representative men of our intellectual world. In tendering you, then, tonight, on behalf of the Government, this farewell dinner, as a token of friendship, my earnest prayer is that the mission entrusted to you by the eminent Mr. Root may in the near future bear the fruit which this great movement of international brotherhood merits.

I beg you, ladies and gentlemen, to join me in this prayer, and to express at the same time our heartiest wishes for the happiness of Mr. Bacon, of his charming family and of the friends who accompany him.

### Response of Mr. Bacon

[*Translation from the Spanish*]

*Excellencies, Ladies, Gentlemen, Mr. Minister:*

I thank you most cordially for your very kind words addressed to my humble self, for those touching my beloved land and for the honor of this brilliant gathering. I desire also to repeat my profound thanks for the very hearty welcome given me by you, Mr. Minister, and by your fellow-citizens, extended with

the proverbial affability and hospitality of the courtly Spanish race, which has been preserved so pure in this lovely Uruguayan land.

We Americans of the North are proud of our progressive sisters of the South. Among these the noble and charming Republic of Uruguay takes a prominent place, due not only to the culture of her people, the virility and strength of the race, but also to the progress she has achieved. We entertain the very best wishes for your prosperity. Profoundly grateful that the relations of the past redound to the credit of our common continent and that our present relations are harmonious, may we not hope that these good relations will not only be perpetuated, but strengthened in the future, and that with each added year our relations will become more intimate, more confidential, in a word, more fraternal.

The noble words spoken by Mr. Root in 1906 at the Pan-American Conference represent the sentiments and the ideals of the people of the United States as truthfully and as forcefully today as when they were spoken seven years ago. I like to think of this memorable declaration as the "Root Doctrine"—and I am proud to be considered worthy to speak of it as a humble apostle.

The Trustees of the Carnegie Endowment believe that the ideals of the great thinkers can be advanced more quickly to the benefit of the world by uniting their efforts in certain well-defined, practical activities.

If you join us in this work of intellectual union and concord, if the Latin American countries and the United States unite in a constant effort for the improvement of the relations between peoples, if all the countries of this hemisphere work in unison toward a common ideal, there will then be created a powerful instrument for good which can not fail to benefit our continent, the world, and humanity.

Once again, Excellency, I thank you from my heart. Although much to my regret my stay among you must be short, yet the progress of your country and the warmth of your welcome have made an impression that will never be effaced. Before leaving this beautiful city, permit me to say that I take with me feelings of personal affection for you and that I should like my farewell to be not "good-bye," but "till we meet again."

I drink to the health of the President of the Republic of Uruguay.

## APPENDIX V

### *Chile*

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#### Reception at the University of Chile

REMARKS OF THE RECTOR OF THE UNIVERSITY, DR. DOMINGO AMUNÁTEGUI SOLAR IN  
CONFERRING A DIPLOMA UPON MR. BACON,  
SANTIAGO, OCTOBER 25, 1913

*[Translation from the Spanish]*

The University of Chile is gratified to greet the Hon. Mr. Bacon and to welcome him as an honorary member of its Faculty of Law and Political Science.

I present you, Sir, this diploma with the hope that it will serve as a link of friendship with the university to which you belong, be a token of recognition for your personal attainments, and attest our great respect for the Carnegie Endowment you so worthily represent.

Address of Dr. Luís Barros Borgoño, Dean of the Faculty of Filosofía y  
Humanidades, University of Chile,

SANTIAGO, OCTOBER 25, 1913

*[Translation from the Spanish]*

*Ladies and Gentlemen:*

It is a pleasure to me to perform the task assigned me by the Board of Public Instruction of welcoming, on behalf of the University of Chile, the illustrious American statesman, Mr. Robert Bacon, formerly Secretary of State of the great Republic of the North and its Ambassador to France, and now a prominent member of the University of Harvard, distinguished emissary of the policy of international conciliation, apostle of peace and powerful promoter of the happiness and welfare of mankind.

I am convinced that of all his honors—and they are many—and of all the high offices he has held, none is more highly prized by the clear and forceful mind of Mr. Bacon, and none will contribute to shed greater glory on his brilliant personality than the mission which he is now undertaking on behalf of the institution which is destined to dispense still greater benefits among civilized peoples, and to which the land of Carnegie can point with legitimate pride as the greatest work conceived in any age to the greater glory of civilization.

The ideal of international solidarity, the dream of philosophers and poets is today receiving devout attention from the statesmen of the greatest nations.

The idea of the foundation of peace societies, advocated for the first time in 1814 through the religious spirit of the Quakers of America, finds fertile soil in that great centre of the agitation of ideas, France, in 1848.

In the midst of that romantic wave of universal regeneration, in the midst of all those economic and social systems convulsed by the new spirit, Paris, with faith in the principles of general solidarity, gives the world the first real international peace congress.

It is the age when Cobden, apostle of commercial freedom, is shaking the whole economic system of England with his powerful genius, harmonizing the interests of his country with the great interests of humanity.

It is the time when the prophetic spirit of Victor Hugo foresees a humanity governed only by the laws of equity and justice.

The poet foretells, as it were in a vision, the task to which Mr. Carnegie, this great toiler for humanity, consecrates today his titanic efforts.

"The day will come," said Victor Hugo in one of his most inspired passages, "when there will be no other field of battle than the markets open to commerce, to intelligence and to ideas. The day will come when the august arbitration of a great sovereign senate will be to Europe what Parliament is to England, the Diet to Germany, and the Legislative Assembly to France."

The second half of the nineteenth century is marked by the Peace Leagues of Paris and Geneva. These have in turn by their propaganda brought into being hundreds of general and local societies through the work of the International Bureau of Berne, the Institute of International Law and the numerous peace associations which under the glorious standards of Lemonier, Passy, Simon and d'Estournelles de Constant today march triumphant toward the goal set up by their heroic efforts.

The great capitals of the world resound year by year with the voices of the most representative men of all nations who step by step are hastening the day of true and lasting understanding among nations.

Under the chairmanship of Jules Simon there met for the first time in Paris in 1889 members of the English, Spanish, Belgian, German, French, Italian, Danish, Greek and Hungarian Parliaments.

This was not, as in the peace congresses, an assembly of men inspired with the lofty ideal of universal peace, but devoid of all authority; rather was it the union of statesmen, of active parliamentarians, solemnly binding themselves to labor in their respective congresses for the realization of the programme of peace and arbitration.

Year after year this Conference has assembled, with growing success in Paris, London, Rome, Berne, at The Hague, in Budapest, Brussels, Milan, Monaco and Lucerne; and by the end of the last century this interparliamentary union had on its roll fifteen hundred members, committed to the triumph of the noblest cause under which men may range themselves: "Justitia e Pace"—by Justice and by Peace.

The visit of the Scandinavian members of Parliament to France and the return visit of the French statesmen mark a period of real understanding between these nations.

The cause of peace later received its greatest impetus on the occasion of the visit of the French parliamentarians to London and the return of this visit by the English statesmen, thus bringing about an agreement of great significance between these two nations which has made possible the entente cordiale on which rests today the peace of the world.

The visit of Mr. Root, still fresh in the memory of the American nation and of our own people, marked for us a definite era in our international relations; it opened the furrow, the seed was sown, whence has sprung the grain to nourish the life of mutual understanding and international solidarity between the great Republic of the North and the different States of Latin America.

The crowning effort, however, of the present age in the cause of peace is The Hague Conference.

The advent of this peaceful revolution has left to the coming century the fruitful task of maintaining peace as the aim of the foreign policy of every civilized nation.

Two moral results of transcendental importance to the western nations have been derived from that august assembly.

The first consists in the express manifestation of the world longing for peace among all civilized peoples.

The second is the material and moral possibility, every day becoming greater, of resorting to arbitration in every difference. If it has not been possible to suppress warfare entirely, it has at least been possible to lessen the possibilities thereof, while its horrors have been in part mitigated.

The work achieved unquestionably constitutes a great victory for the cause of right; it proves that the love for justice pervades the atmosphere of international relations, and justifies the belief that the day of caprice and of violation is over, and that law, equity and the interests of humanity and civilization are every day more and more respected throughout the world.

The Conference was unable to give form to the fundamental idea proposed of limiting armaments; but it did succeed in creating a juridical court of arbitration.

The Institution was born; to-day it has its president, its members, its palace, its journal and its own budget.

The corporation is officially recognized as a tribunal by every civilized state.

The new law is solemnly recognized and established, and the substitution of judicial settlement for appeals to force is likewise acknowledged.

Through the generosity of Mr. Carnegie this Tribunal has been housed in a palace worthy of its lofty mission.

"In this place," has said Mr. Carnegie, "will meet the most sacred conclave that has ever honored humanity in any epoch of history."

The temple, as its founder has called it, has just been solemnly inaugurated, the ceremony having taken place on the 28th of August, 1913, in the presence of the Queen of Holland, all the members of the Government and the envoys of all the powers represented at The Hague Conference.

This imposing ceremony, unique of its kind, had distinctive characteristics. It was simple, austere, shorn of all military display; only the chimes from the Palace of Peace proclaimed to the world that the clock had started on that journey which should end only when the hour of eternal peace has struck. In these words did the Minister of Foreign Affairs of Holland express himself, not, however, without adding his fear that that day was still distant.

The other address of that memorable occasion was delivered by Mr. van Karnebeek, President of the Board of Directors of the Carnegie Foundation for the Peace Palace.

The work entrusted to The Hague Conference although of very great significance, does not meet the requirements of the Carnegie Endowment program, which embraces vaster and more diversified projects.

As a cardinal principle, the Endowment undertakes to sustain various societies whose purpose is to effect in concrete form a better understanding between nations, to make the mutual knowledge of friendly peoples more real and to multiply the ties of friendship and concord between the great countries of the world.

In the furtherance of these ends, it has a Division of Intercourse and Education comprising the exchange of professors, students and literary works; it maintains a Division of Economics and History, and devotes particular attention to its Division of International Law and the special Academy of this branch of human knowledge established at The Hague under the auspices of the powers signatory to the Conference.

These various activities of the beautiful and comprehensive program of the Carnegie Endowment are of the greatest importance to all civilized nations, and yet they remain unknown and untouched by the Latin American countries, notwithstanding the benefits that would accrue to them therefrom.

To make known this praiseworthy work, to stimulate public opinion in these countries and to secure the coöperation of their public men in favor of this noble crusade, is the purpose of this visit to us which the people of Chile regard as an event of far-reaching importance.

But if certain of the objects of the Carnegie Endowment call for the sympathetic support of governments, there are, on the other hand, many others which demand the special coöperation of men of science, of professors and specialists in international law and of teachers of history and economics.

It is for this reason that our University has associated the whole of its personnel with this undertaking, and it is convinced that so soon as the members realize the different aims of the mission they will earnestly coöperate to the fulfilment of these purposes, each collaborating in his own particular sphere. And in doing so they will bring the work within the scope of international politics, the study of which has been traditional in this Republic.

Chile has the honor of occupying the fourth place among the countries that have resorted to arbitration during the nineteenth century. Statistics show that

Great Britain is first with 86 arbitration treaties, the United States of America second with 66, France third with 38, and, then, Chile with 28 to her credit.

But the greatest work in this direction is that accomplished by Chile and the Argentine Republic in signing the treaty of May 28, 1902, whereby they limited their armaments, a purpose that so far The Hague Conference has striven in vain to effect.

And this fact has not passed unperceived. In his notable address in favor of arbitration to the students of the University of Saint Andrews, Mr. Carnegie pointed to this treaty as one of the most advanced in realizing the principles of the Endowment's program.

"The greatest step taken in this direction," says Mr. Carnegie, "is to be found in the treaties celebrated between Denmark and Holland, and between Chile and the Argentine Republic whereby these countries agreed to submit all differences of any nature whatsoever to arbitration."

It has been held that to America belonged, in the nineteenth century, the initiative of arbitration, and that the nations of this continent have maintained and widened the scope of this judicial proceeding, even though they have not yet formulated a general definite program.

And it is not, indeed, a difficult matter to prove that none of these nations has more frequently appealed to and used this peaceful means of adjusting differences with other nations than has Chile. In one of her oldest treaties, celebrated sixty years ago, the Government of Chile expressly declared that it set forth "with pleasure the idea of arbitration, which it has always regarded as the only just, legal and logical means of settling every international difference."

The mission of peace and judicial settlement will accordingly find a fruitful field in our country; and if it has occasionally been found necessary to resort to the stern necessity of war in defense of what the country has deemed its rights, this step has only been taken after every recourse to conciliation and arbitration had been exhausted.

The arduousness of earning a livelihood which the peculiar topographical conditions have imposed upon the Chilian people, the habits of order and the exercise of free democratic institutions which has characterized her national life, her social organization and the prosperity of her agriculture and commerce, in a word everything which calls for the great blessings of peace, has led the people of Chile to rest their prosperity, their development and their welfare solely on peace.

This Republic must then be an enthusiastic and active coöperator in the work of general conciliation and political solidarity espoused by the Carnegie Endowment.

From the Temple of Peace there peals forth the clear and triumphal note of the new law when judicial proceedings will supplant appeals to arms and violence.

What has already been done augurs well for the not distant triumph of these principles of justice and universal peace.

The word of Mr. Bacon, now our guest, is doubly significant, first by virtue of his great learning and acknowledged mastery of public affairs, coupled with long experience, and, secondly, by reason of the exalted and distinguished representation with which he is invested. His eloquence will paint for us the picture of the noble and beneficent work he has done so far, it will tell us of his hopes and aims for the future, and so better fit us for the task of associating the different elements that will be needed to place the work of the Carnegie Endowment on a firm foundation in our country.

### Address of Mr. Bacon

[*Translation from the Spanish*]

*Excellencies, Mr. Rector, Mr. Dean, Ladies, Gentlemen:*

Pray pardon me if I make bold to address you in your beautiful language whose rhythm attracts me irresistibly but which, to my deep regret, I speak but haltingly.

I am profoundly touched by the thought of being present in this room, a veritable temple of science and letters, under the auspices of your most distinguished intellectual leaders.

Among the many duties which have left pleasant memories from the moment I first set foot in this hospitable and beautiful land, one of the highest and pleasantest is to thank the University of Chile for the great honor done me in admitting me to honorary membership in its Faculty of Law and Political Science.

I well know the glorious traditions which, in the intellectual order, since the middle of the last century, have made the University of Chile one of the greatest centres of learning of South America. On this occasion I shall confine myself, however, to referring to only two of its many illustrious rectors whose names the world has inscribed on its roll of eminent scholars: Bello, internationalist, codifier, and litterateur, and Domeyko, naturalist.

I can fully appreciate, therefore, the distinction done me by the University of Chile and by its Rector, and I shall prize it as long as I live.

In my own name, and in that of the eminent statesman whose mission I bear, Senator Elihu Root, I thank you with all my heart for your welcome and for the flattering words addressed to my humble self and so little deserved.

I also want to testify my gratitude for the reception which has been accorded me with the affability and generous hospitality so proverbial of the courtly Spanish race.

My visit to these fascinating South American countries has been most gratifying. There have filed past before my wondering eyes divine panoramas of this marvelous continent, fertile valleys, mighty rivers, majestic forests, fantastic cordilleras, placid lakes of crystal waters, rushing torrents which keep babbling the glorious hymn of liberty. All this has increased my respect and admiration



for the new people and the new races which will mark fresh eras for the human race in the great future in store for America.

The impression I received when I arrived yesterday in your country will never be effaced from my memory. The hearts of the people of Chile should swell with legitimate pride when they think of their glorious country. The fascination of your mountains whose glow, whose balm and harmonies are the soul of this land, would bewilder any spectator. The poet Wordsworth has said that the voice of freedom is best heard in the mountains and in the sea. If this is so, then Chile is the land where the sweet voice of freedom will ring in clearest tones.

I come charged with a message of good-will from your devoted friend, Mr. Elihu Root, at whose request, added to my own desire, I have the honor to appear before you. I wish I could say to you all that he would say were he here in person to address you and to greet you as an old friend. The expressions may differ, perhaps, but I assure you the spirit which animates them is entirely the same.

I invite you then, gentlemen, to co-operate in the establishment of international institutions which will be, we hope, centres of good-will which will develop and popularize just and progressive principles of international law and which will in various ways, directly and indirectly, by an exchange of thought and exchange of views and the happy combination of effort, result in strengthening the bonds of friendship which a common past, common institutions and a common goal suggest and require.

History and nature have inspired and increased a deep feeling of solidarity, not only between the countries of Latin-America, but also between the republics of the South and the United States. It behooves us to maintain and strengthen this solidarity which, by reason of its twofold origin, unites inseparably the nations of the new continent in the past, in the present and in the future.

One need only glance at the political history of the new world to see the constant interest the United States has taken in the struggles of the Latin-American nations, first to free themselves from the mother country, and then to defend the independence they had won against all attempts at conquest on the part of European nations. Moreover, we might briefly recall that after the emancipation, the United States furnished the Latin states with the forms and basic principles of their political institutions, particularly of their republican and democratic government, at a time when the ancient political institutions of Europe were far from responding to the ideas of liberty and to the social conditions of the two Americas.

All this glorious past in the history of the new world should strengthen, day by day, the bonds of solidarity which have united the American nations since the beginning of their political life.

Nature has added to the work of history. The geographical situation of the states of the new world has brought into being a series of problems common

to all the states of the continent, thereby creating among them new ties of union! Thanks to the progress of civilization and the perfection of means of communication, we in America have come to see the imperious necessity of solving in a uniform manner, the problems arising out of situations and conditions peculiar to the new continent.

Anticipating Europe in a way, whose great powers meet in conference only at the conclusion of wars, to determine the conditions of peace, all the American states have met together in pacific conferences in order to discuss questions common to their continent—hence the name and origin of the Pan-American Conferences. These conferences have borne abundant fruit—a number of problems of interest to America have been studied; important treaties have been signed with a view of developing the social and intellectual life of the new world; and, finally, the representatives of the several American states have learned to know each other better and have come to appreciate how many and how strong are the ties which bind the American nations together.

The sentiments of solidarity and fraternity which unite the countries of the new world in a community of interests should create a work of union and concord. The way is already open; numerous and fruitful results have been obtained; the time has come, therefore, to establish in ever increasing measure, good understanding and harmony. Above all, it is necessary to correct a misunderstanding by the people of the South of the political purposes of the United States. As Mr. Root solemnly declared when he was among you, the United States desires above all that peace and prosperity reign in Latin-America, in order to strengthen and tighten the bonds of friendship and of brotherhood, which should unite all the American peoples.

I have the honor to address you, not merely on my own account, but on behalf of the Carnegie Endowment for International Peace, of which Senator Root is the President, and to invite you in his name and on behalf of its Trustees, to coöperate with it in such ways as you may consider possible and advisable.

In other words, the wish of Mr. Root is to enlist as fully as possible the sympathetic interest of the leaders of thought in South America in the various enterprises for the improvement of international relations, and to bring about a practical coöperation in that work.

The respect and friendship which the Trustees of the Endowment entertain for the peoples of Latin-America and for the distinguished Latin-Americans with whom many of the Trustees have most agreeable relations of personal friendship, lead us to hope that the work of the Endowment may have such active and useful coöperation in South America as it has already secured in Europe.

Responding to the kind invitation of the Honorable Dean of the Faculty, permit me to explain briefly the work of the Endowment, and to outline certain practical projects in which Mr. Root and his associates desire your hearty coöperation.

I regret that to-day I find myself confined to details somewhat dry, and, I fear, rather uninteresting, at a moment when, under the charm, and inspiration of your eloquent phrases and of your warm welcome, in this atmosphere of freedom, in this land of heroes, I would prefer to dwell upon our ideals, our hopes and the visions dreamed by the great men of our countries. For I am proud to share your optimism, sir, and I have an abiding conviction that, despite the clouds gathered by opposition and unbelief, we are at the beginning of a great movement of progress in the evolution of the freedom of the world, and that from afar we may see the dawning of a brighter, purer day.

The principles, the philosophy of the last century are no longer sufficient to our needs. We must have new rules of political economy, new principles of international law.

To carry forward the work of the Endowment it has been organized into three divisions:

- The Division of Intercourse and Education ;
- The Division of Economics and History ;
- The Division of International Law.

To aid in the work of the first division, Dr. Butler, its director, has created an Advisory Council of representative European statesmen and publicists, with which has been associated a body of correspondents.

We have asked ourselves whether it would be agreeable to leaders of thought in Latin-America to create an organization somewhat similar to the General Advisory Council which has already been formed in Europe.

The Division has inaugurated an exchange of visits of representative men and an educational exchange with Japan, and I hope to be able to obtain information and advice in South America which will enable us to begin in the very near future a mutual exchange of professors and students from Latin-America.

I am instructed to suggest that the exchange begin at once by the annual visit of two eminent South American scholars or publicists to the United States and two North Americans to South America. Each of these men would divide his time between two universities in the country visited.

One of the activities to which this division attaches much importance has to do with the organization of Associations for International Conciliation throughout the world.

The parent association was formed by Baron d'Estournelles de Constant in Paris some years ago. Branches have been established already in the United States, Germany and England, and others are in the course of formation.

I am directed to invite the coöperation of interested persons in the countries which I have the honor of visiting, in the organization of branches of International Conciliation to be affiliated with the parent branch at Paris. These associations, while local in origin, have nevertheless an international mission, and tend to create by their meetings and the excellent pamphlets which they regularly issue, a friendly feeling towards the peoples of foreign countries.

"The Association for International Conciliation," says Baron d'Estournelles de Constant, "is not a sentimental, humanitarian organization. It is a practical, patriotic advance formed in the national interest of each country, particularly in young countries which must consecrate all their forces and resources to their own development.

"Conciliation is the modern, indispensable complement of economic effort in every civilized country. To develop the national prosperity by the promotion of good international relations; such is our object summed up in our motto: *Pro Patria Per Orbis Concordiam.*"

Undertake arbitration rather than war; but prefer always conciliation to arbitration. Our idea, our rule of life is this:

"War rather than slavery.

"Arbitration rather than war.

"Conciliation rather than arbitration.

"Arbitration cures; conciliation prevents.

"Conciliation substitutes fruitful coöperation for sterile antagonism."

The Endowment will provide for the expenses incident to the organization of these associations.

Let me now describe the work of the Division of Economics and History.

The work of this division is "to promote researches into and a profound, scientific study of the causes of war, and of the practical methods to prevent and avoid it."

A conference was arranged at Berne in Switzerland two years ago, to which distinguished economists and publicists, drawn largely from Europe, were invited to consider the subjects that could properly and profitably be studied, and to draft the tentative program for the division.

A large number of topics have already been assigned to specialists selected from the countries to which their work relates; some of the studies have been completed, and, in the course of a few years, the Endowment will have published a series of remarkable monographs, covering all phases of the elaborate program, which will, it is believed—to quote the language of Mr. Root—"be useful to mankind."

Professor Kinley, an old and sincere friend of Latin America, who represented the United States at the Fourth Pan-American Conference held in Buenos Aires, has been appointed a member of the Committee of Research, and he will devote himself more especially to the problems in which Latin America is interested; and, in the course of the coming year, he will visit Latin America to confer with leaders of opinion to obtain their advice; and, if possible, to gain their coöperation, both in suggesting and in executing the projects which they may recommend.

The third division of the Endowment is the Division of International Law.

This division, like the other divisions, found it necessary to create a special organization and to have a body of advisers.

The Institute of International Law consists, it is hardly necessary to state, of the leading authorities of all nations, and the Endowment requested the Institute to act as advisor to the Division of International Law.

The Institute accepted the invitation and selected a committee which has acted as advisor to the Director.

The Division has under way several important works. The first is a collection and publication of all general and special treaties of arbitration, and, in regard to the treaties of the nineteenth century especially, the Endowment would be very grateful to the publicists of Latin America if they would supply information on certain questions of this nature, which may perhaps be known only to them; and the Trustees would regard it as a very great favor if the governments of Latin America would supply copies of such treaties, as it is very difficult to obtain at all times accurate and reliable texts. All known instances of international arbitration will be collected and published with notes.

The Institute of International Law, which now acts as advisor for the Division of International Law, was founded in Europe in 1873; but, although the Institute represents "the universal juridical conscience", many jurisconsults have felt the need of an institution which should represent the juridical conscience of America, study the problems which concern particularly the New World, and examine from the American point of view general matters relating to the Law of Nations.

As you are well aware, an American Institute of International Law was founded a year ago by your distinguished publicist and internationalist, Dr. Alejandro Alvarez, and by Dr. James Brown Scott, Director of the Division of International Law of the Endowment. This Institute contemplates the formation of National Societies of International Law in all American countries, to be affiliated with it, and work in studying American problems, in making known their principles and in contributing to a better understanding among nations.

Lest I should seem to state in exaggerated language the aims and purposes of the American Institute of International Law, of which Mr. Elihu Root is Honorary President, let me quote a passage from a distinguished Dutch scholar and professor of international law, who may be supposed to treat the subject with more detachment.

After having spoken of the great example America has given to the world in undertaking the codification of international law, he says:

"The second example is given to us by an institute essentially scientific but scarcely inferior in moral value. The gradual drawing together of the North and South has created a new instrument of progress. The projects for a Pan-American union, started long ago without ever yielding results, have at last borne fruit in the peaceful field of study, thanks to the talent and perseverance of two illustrious men, one from the northern, the other from the southern half of the hemisphere. During the past year Mr. James Brown Scott, the noted jurisconsult of the United States, and Señor Alejandro Alvarez, former pro-

fessor and Counselor in the Ministry of Foreign Affairs of Chile, who in 1912, at Rio, exercised a most beneficial influence upon the great plan for codification, met at Washington, and founded in October, 1912, the American Institute of International Law. This Institute has for its objects:

- (1) To aid in the development of international law;
- (2) To strengthen the common sentiment of international justice;
- (3) To procure a general acceptance of peaceful procedure in the settlement of international disputes between the American States. This luminous idea sprung from the conviction that it is better to spread conceptions of right and justice by a slow but constant appeal to the minds and hearts of peoples, than by diplomatic negotiations which are not based on a general popular sentiment."

Mr. Root and his associates attach the highest importance to the establishment and successful operation of the American Institute of International Law, and of its affiliated societies in each of the American countries.

The Endowment now grants a subvention to the older Institute, founded in Europe. This subvention is designed to cover the traveling expenses of the members of the Institute, the expenditures of the commission and the publication of their works. The new Institute can count upon receiving financial aid from the Endowment, as soon as the National Societies are thoroughly organized, and upon being placed on an equality in this regard with the older Institute.

The *American Journal of International Law* which, with some slight modification, might become the organ of the American Institute, receives now an annual subvention from the Endowment.

Another institution in which the Division of International Law is greatly interested and which it will subvention and maintain with much pleasure, is the Academy of International Law which it is proposed to establish at The Hague.

The proposal to create an Academy of International Law was made at the second Hague Peace Conference. No action was then taken, but the idea was commended itself to publicists of many nationalities. A committee of Dutch publicists, under the presidency of Mr. Asser, whose recent death we all deplore, suggested that such an academy be created and installed in the Peace Palace at The Hague.

Mr. Asser's proposal contemplates systematic instruction during the summer months in international law and cognate subjects, by a specially constituted and changing faculty, to be chosen from publicists of different countries. Courses of lectures on important and timely subjects would be given by publicists who, in addition to long theoretical training, have had large experience in the practice of international law.

Mr. Asser also proposed that the governments should be interested in the Academy, and invited through diplomatic channels to designate appropriate officials of various branches of the governmental service to attend the Academy.

The Institute would be unique in its summer sessions, unique in its small and changing faculty, and unique in its student body, drawn from every country.

The Endowment will pay the expenses of the Academy, but it will not be a direct agency of the Endowment nor under its control.

Mr. Root directed me to submit to your consideration the project of this Academy, and ask the support of all the Latin-American republics; that they designate one or more of their citizens to attend the lectures and follow the course of instruction at the Academy.

You will observe that Mr. Root and the Carnegie Endowment attach great importance to the scientific development of international law, and they would be greatly pleased to see the establishment of an international court of justice which is not temporary for isolated cases, but permanent for all cases. You are well acquainted with the maxim "*inter arma silent leges*", but the contrary assertion is also true: "*inter leges silent arma*". History shows us that this is true with reference to individuals, and it may be observed that it is also applicable to nations.

Another matter to which I desire to call your present attention is the establishment of national committees to determine what subjects are to be embodied in the program of the next Peace Conference at The Hague; it will be the duty of these national committees to get into touch with the national committees organized in the various other American countries.

It is common knowledge that the second Peace Conference of 1907 recommended the meeting of a third Conference, to be held at a period approximately equal to that which elapsed between the first and second Conferences, that is to say, eight years, so that, if the recommendation is carried out, we may expect the third Conference to meet approximately in 1915. It was further provided in the recommendation that about two years before the probable meeting of the Conference an international preparatory committee should be constituted by common accord among the powers.

It is evident that the different countries which will be invited to The Hague should consider all these important matters before the constitution of the international preparatory committee; and it seems advisable—indeed, necessary—that each government should appoint a committee to consider these matters in detail in order that the governments shall be able to make their recommendations in the fullness of knowledge.

It is not expected that the American states shall present a series of joint projects to the Conference, or joint recommendations; but it would greatly facilitate matters if the different governments should communicate their views so as to reach an agreement upon the subjects which in their opinion should be presented, and which might form the subject of international agreements.

The five subjects which I am directed to lay before you and to solicit the coöperation therein which you, Mr. Dean, so generously have offered to us, are thus, as follows:

The formation in each country of a National Society of International Law, to be affiliated with the American Institute of International Law;

The establishment in each country of a National Society for International Conciliation to be affiliated with the parent Association for International Conciliation at Paris;

The appointment of National Committees for the consideration of contributions to the program of the next Hague Conference, and for making arrangements for the inter-communication of such Committees among all American countries;

An educational exchange between the South American Universities and those of the United States, and international visits of representative men;

The participation of the American governments in the proposed Academy of International Law at The Hague, by providing for the sending by each government of one or more representative students to that Academy.

Allow me to quote the final words of Mr. Root's instructions to me:

"The Trustees of the Endowment are fully aware that progress in the work which they have undertaken must necessarily be slow, and that its most substantial results must be far in the future. We are dealing with aptitudes and impulses firmly established in human nature through the development of thousands of years, and the utmost that any one generation can hope to do is to promote the gradual change of standards of conduct. All estimates of such a work and its results must be in terms not of individual human life, but in terms of the long life of nations. Inconspicuous as are the immediate results, however, there can be no nobler object of human effort than to exercise an influence upon the tendencies of the race, so that it shall move, however slowly, in the direction of civilization and humanity and away from senseless brutality. It is to participate with us in this noble, though inconspicuous work, that we ask you to invite our friends in South America, with the most unreserved and sincere assurances of our high consideration and warm regards."

Excellencies, Ladies and Gentlemen: Before concluding, I wish to express again to you my most sincere thanks for the great honor which has been done me, and to testify my profound gratitude for your warm and sympathetic welcome.

### Circular Note

OF THE NATIONAL SOCIETY OF INTERNATIONAL LAW,  
SANTIAGO DE CHILE, JANUARY, 1914

[*Translation from the Spanish*]

*Sir:*

The civilized world is aware of the noble and strong impetus given by Mr. Andrew Carnegie to the common effort for universal concord.

The study and diffusion of international law has been, and still is, one of the most efficient means of strengthening the principles of conciliation, the peaceful settlement of differences between foreign nations and the ever increasing hope of peace among the states admitted by international law.



Eminent publicists from every country have enthusiastically welcomed the formation of an American Institute devoted to the study of international law, and of National Societies in different countries to collaborate with the parent institution.

During the recent visit paid us by Mr. Robert Bacon, on the initiative of Mr. Root, an invitation was extended to us to establish in Chile a filial institution similar to that constituted in Washington, presided over by Mr. Root, and whose Secretary is our distinguished fellow-citizen, Don Alejandro Alvarez.

The main purpose of the American Institute and of the national societies affiliated thereto is purely scientific.

All political discussion or any idea which is susceptible of influencing directly or indirectly the political life of the different nations is excluded from the deliberations.

The regular subject of the programme will be discussed by the Society solely from the viewpoint of the doctrine of law involved and of its application.

The American republics, united by so many common bonds and by the democratic character of their institutions, will find to an even greater degree than the other nations forming part of the American Institute of International Law, a semi-official organ in which to advance their ideas on terms of absolute equality, while at the same time becoming acquainted with the ideas prevailing in the other republics. They will thus secure a moral guarantee for the conduct of their relations, from which will result a closer union within the principles of right and justice.

The nations of this continent need to know one another better. The exchange of ideas brings in its train a union of sentiment and the intimate association of men and the exchange of principles between the different nations of the New World will do much to bring the states into closer harmony. The Society of International Law will realize in the vast realm of the mind and culture perhaps as much as is accomplished by the Pan-American Conferences in their official sphere of action.

The purposes of the National Society of International Law, of which we have the honor to invite you to become a charter member, are the same as those of the American Institute of International Law, with the slight differences inherent to our national life.

The National Society of International Law accordingly purposes:

- 1.—To contribute to the development of international law, and to compel the acceptance of its general principles among nations, and especially among those of the American Continent.
- 2.—To contribute to the study of the problems of international law, paying particular attention to such as are peculiarly American in character, and to solve them in accordance with the already generally accepted principles, without abandoning, however, the doctrines which Chile has always sustained.

- 3.—To work toward the codification of international law, in accordance with the traditions and doctrines of humanity and of our national history.
- 4.—To diffuse knowledge of the peaceful means of settling international disputes.

The Society will have three classes of members: charter members being such as accept the present invitation, regular members such as may join at a later date, and honorary members, not to exceed five in number, such as this National Society may propose to the American Institute.

The Society purposes to draft and discuss at general meetings proposals, resolutions and decisions relative to any or all of the subjects, comprised within the purposes above enumerated.

Its resolutions will be forwarded to the American Institute, which shall take them into consideration at the sessions to be held at least once every two years, and to which all honorary members of the Society shall be invited.

The Society shall have a Board of Governors for the management of its affairs.

The fees shall be twenty-five pesos per annum.

If you should be of opinion that this invitation is worthy of your acceptance, we should be obliged to you if you would return the enclosed form duly signed.

We have the honor to be, etc.

LUÍS BARROS BORGÑO,  
ANTONIO HUNEEUS,

DOMINGO AMUNÁTEGUI S.,  
RICARDO MONTANER BELLO.

## APPENDIX VI

### *Peru*

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#### Address of Dr. Romero,

DEAN OF THE FACULTY OF JURISPRUDENCE OF THE UNIVERSITY OF SAN MARCOS,  
LIMA, NOVEMBER 6, 1913

[*Translation from the Spanish*]

*Gentlemen:*

The Carnegie Endowment for International Peace which aims to promote and further this idea, has named the Honorable Robert Bacon, formerly Secretary of State and Ambassador of the United States to France, as its delegate on this mission of peace and brotherhood.

In 1910 Mr. Andrew Carnegie donated the sum of ten million dollars in order that the Trustees named by him should apply them to the purposes of the Endowment. These purposes have been expressed by the Trustees as follows:

The scientific investigation of the causes of war and the practical methods to prevent or avoid it; to train public opinion regarding the causes, nature and effects of war; to establish a keener appreciation of international rights and obligations, and to quicken the sense of justice among the inhabitants of civilized countries; to promote a general acceptance of peaceful means for the settlement of international disputes; to promote sentiments of friendship among the peoples of different countries and to increase the knowledge and common understanding among nations; to aid in the development of international law toward a universal agreement as to its laws; to aid such organizations or societies as may be needed in the advancement of the objects of the Endowment.

The great philanthropist, Carnegie, not only conceived this beautiful idea, but furnished the means to realize it by donating a sum hitherto unheard of for such purposes and perhaps not even imagined in the wildest fancy. By this means he made that generous purpose a practical one and contributed most efficiently towards stopping war or at least mitigating its horrors.

The idea is indeed a lofty one, worthy of American genius, the creator of so many colossal enterprises, that genius which has made the United States of America great in its power, in its wealth, in its territorial expansion, and in the eminent men whose rapid rise in science, in the arts and in statecraft has been the wonder of the age.

If the Americans have been the first in peace and the first in war, they are now, through the generosity of a multi-millionaire, setting on foot a movement which will lead them to be the first in the hearts of those countless victims whom they will save from one of the worst scourges that has so often been visited upon the world.

As apostle of this mission of harmony and brotherhood, as messenger of this Christian and civilizing purpose and as leader of this idea which quickens every heart, there is with us to-day a great statesman, a man pre-eminent for his learning, contact with whom reveals the power of his mind and the bigness of his heart.

I present him to you, Mr. Rector, and my esteemed colleagues.

He is not unknown to you. A graduate of Harvard, he is to-day one of her Trustees and a Fellow of that institution. It is not, then, merely in obedience to the mandates of courtesy that he is among us to-day. He is here by virtue of his academic titles and of his position in shaping the destinies of a great centre of learning, of far greater renown than our own.

It was only a short time ago that he directed with rare skill the foreign affairs of the greatest of republics; yesterday he was Ambassador to one of the European nations, and to-day, coming as ambassador of the most noble mission known to me of goodwill, he stops for a little while in the oldest university of this continent, in the ancient institution founded by Charles V in 1551, which is pleased to welcome, even though it be for a brief moment, one of the favored sons of the greatest of our sister institutions.

But apart from this motive for satisfaction, our University wishes to have the honor of counting him among her own members, and that his words be engraved on these walls, which still resound with the echo of the words of our most learned educators and greatest public men.

Mr. Bacon is going to do us the honor of explaining personally the object of his mission, so that we may have the benefit of hearing from his own lips the important message he bears. He has also consented to pay the Faculty of Jurisprudence of this University the very high honor of becoming an honorary member.

Distinguished Sir: Welcome to our University, and, as herald of the noble idea of peace and brotherhood, take back to your mighty nation our message of sympathy and admiration for the work of the great Carnegie, which is being so ably carried out through the wise direction of its Trustees, and of our abiding faith in its final success through the vigorous impulse of such eminent men as Mr. Root and Dr. Scott, and your own undaunted efforts.

### Address of Mr. Bacon

[*Translation from the Spanish*]

*Mr. Rector, Gentlemen:*

You will pardon me, I know, if on this historic spot before such a distinguished gathering of leaders of thought and men of letters, I make bold to address you in the beautiful Castilian tongue, so sweet, so rich and so sonorous. Would that I could command it in order to make you feel my own thoughts: the intense sentiment of sympathy that fills me on appearing before such a

distinguished body, no less than my deep gratitude for the signal honor done me by the University of San Marcos, this pioneer institution of the New World, in conferring upon me the diploma of honorary member of its Faculty of Jurisprudence.

I value this great honor done me by the University and by its distinguished Rector with all my heart and in all its worth, and I shall prize it as long as I live. The fame of your institution in the world of science and letters is both well merited and glorious, and I am proud to belong to such a high and distinguished centre of culture.

In my own name and in that of the great statesman whose mission I bear, Senator Elihu Root, I thank you, Sir, most heartily for your kind words. The hospitable reception given me by the people of Peru, gracious queen of the Andes, land of the Incas, has filled me with joy.

Those august emperors represent the inspiring past, brimming with mystery and splendor, and the vast resources of your beautiful land and its chivalrous race presage a future no less glorious and brilliant.

The condor, symbol of liberty, soaring in dizzy heights, delights his piercing gaze by contemplating this free and prosperous country progressing toward the ideal of all peoples—peace and prosperity.

On arriving in this land of sunshine, I am moved with admiration; I feel happy when I breathe the balmy air of your mountains, when I contemplate your majestic Andes as they encircle this beautiful Peru in loving embrace. It is a real pleasure to me to visit if even for a few days, fewer than I would wish, this noble country whose history has always attracted me from my early youth.

I come charged with a message of goodwill from your devoted friend and great admirer, Mr. Elihu Root, at whose request, added to my own desire, I have the honor to appear before you. I wish I could say to you all that he would say were he here in person to address you and to greet you as an old friend. The expressions may differ, perhaps, but I assure you the spirit which animates them is entirely the same.

On his behalf I invite you to coöperate in the establishment of international institutions which will be, we hope, centres of goodwill which will develop and popularize just and progressive principles of international law, and which will in various ways, directly and indirectly, by an exchange of thought and exchange of views and the happy combination of effort, result in strengthening the bonds of friendship which a common past, common institutions and a common goal suggest and require.

History and Nature have inspired and increased a deep feeling of solidarity, not only between the countries of Latin America, but also between the Republics of the South and the United States. It behooves us to maintain and strengthen this solidarity which, by reason of its two-fold origin, unites inseparably the nations of the new continent in the past, in the present and in the future.

One need only glance at the political history of the New World to see the constant interest the United States has taken in the struggles of the Latin American nations, first to free themselves from the mother country and then to defend the independence they had won against all attempts at conquest on the part of European nations. Moreover we might briefly recall that, after the emancipation, the United States furnished the Latin States with the forms and basic principles of their political institutions, particularly of their republican and democratic government, exactly at a time when the ancient political institutions of Europe were far from responding to the ideas of liberty and to the social conditions of the two Americas.

All this glorious past in the history of the New World should strengthen day by day the indissoluble bonds of solidarity which have united the American nations since the beginning of their political life.

Nature has added to the work of History. The geographical situation of the States of the New World has brought into being a series of problems common to all the States of the Continent, thereby creating among them new ties of union. Thanks to the progress of civilization and the perfection of means of communication, we in America have come to see the imperious necessity of solving in a uniform manner, the problems arising out of situations and conditions peculiar to the New Continent.

Anticipating Europe in a way, whose great Powers meet in conference only at the conclusion of wars to determine the conditions of peace, all the American States have met together in pacific conferences in order to discuss questions common to their Continent—hence the name and origin of the Pan-American Conferences. These conferences have borne abundant fruit—a number of problems of interest to America have been studied; important treaties have been signed with a view of developing the social and intellectual life of the New World; and, finally, the representatives of the several American States have learned to know each other better and have come to appreciate how many and how strong are the ties which bind the American nations together.

The sentiments of solidarity and fraternity which united the countries of the New World in a community of interests should create a work of union and concord. The way is already open; numerous and fruitful results have been obtained; the time has come, therefore, to establish in ever increasing measure good understanding and harmony. Above all, it is necessary to correct the misunderstanding of the South of the political purposes of the United States. You will recall the solemn declaration of my eminent chief, Mr. Root, at the Third Pan-American Conference held at Rio de Janeiro:

“We wish for no victories but those of peace; for no territory except our own; for no sovereignty except the sovereignty over ourselves. We deem the independence and equal rights of the smallest and weakest member of the family of nations entitled to as much respect as those of the greatest empire, and we deem the observance of that respect the chief guaranty of the weak against the

oppression of the strong. We neither claim nor desire any rights, or privileges, or powers that we do not freely concede to every American republic. We wish to increase our prosperity, to expand our trade, to grow in wealth, in wisdom, and in spirit, but our conception of the true way to accomplish this is not to pull down others and profit by their ruin, but to help all friends to a common prosperity and a common growth, that we may all become greater and stronger together."

President Roosevelt, in his message to Congress in December 1906, stamped these memorable words of his Secretary of State with his approval, and declared that they faithfully represented the sentiments of the American people. These same words still represent the sentiments, the ideals of the people of the United States with the same truth, the same force as when they were spoken seven years ago. I like to think of this memorable declaration as the "Root Doctrine"—*a doctrine of sympathy and understanding, of kindly consideration and honorable obligation*—and I am proud to be considered worthy to speak of it as an humble apostle. Our country desires above all that peace and prosperity should reign in Latin America.

I have the honor to address you not merely on my own account, but on behalf of the Carnegie Endowment for International Peace, of which Senator Root is the President, and to invite you in his name and on behalf of its Trustees to coöperate with it in such ways as you may consider possible and advisable.

In other words, the wish is to enlist as fully as possible the sympathetic interest of the leaders of thought in South America in the various enterprises for the improvement of international relations which the Endowment is trying to promote, so as to bring about their practical coöperation in that work.

The respect and friendship which the Trustees of the Endowment entertain for the peoples of Latin America and for the distinguished Latin Americans with whom many of the Trustees have most agreeable relations of personal friendship, lead us to desire that the work of the Endowment may have such active and useful coöperation in South America as it has already secured in Europe.

Permit me to explain briefly the work of the Endowment, and to outline certain practical projects in which Mr. Root and his associates desire your hearty coöperation.

I regret that today I find myself confined to details somewhat dry and, I fear, rather uninteresting at a moment when, under the inspiration of your eloquent phrases and under the charm of this intellectual atmosphere, I would prefer to dwell upon our ideals, our hopes, upon the visions dreamed by the great men of our respective countries. For I am proud to share your optimism, sir, and I have an abiding conviction that despite the clouds gathered by opposition and unbelief, we are at the beginning of a great movement of progress in the evolution of the freedom of the world and that from afar we may see the dawning of a brighter, purer day.

The principles, the philosophy of the last century are no longer sufficient to our needs. We must have new rules of political economy, new principles of international law.

The name of the institution I have the honor to represent, the Carnegie Endowment for International Peace, at times creates an erroneous impression as to the cardinal purposes of the Endowment, as also to the means used in attaining it. The Endowment might well be called an Endowment for International Friendship for where friendship and good understanding between nations exist peace is the natural consequence. The specific ends which the Endowment pursues may then be summarized as follows:

To foster the ties of friendly relationship between nations, and the development of international law. These two purposes are closely interwoven: each is the cause and effect of the other.

In working along these lines the Endowment does not hold itself out as a missionary of peace, nor does it try to preach its own ideas in the world, but it strives to encourage in each country those national activities which tend toward the attainment of international friendship and the development of international law. The means it employs and proposes are practical means.

These purposes and objects fall naturally into three groups: One which treats of the creation of public opinion in favor of the peaceful settlement of international differences; another of the investigation and study of the causes of war; and the third of the principles of right and justice which would settle and prevent the controversies that have embittered the relations between countries in the past.

To carry out its work the Endowment has been organized into three divisions:  
The Division of Intercourse and Education;  
The Division of Economics and History;  
The Division of International Law.

To aid in the work of the first Division, Dr. Butler, its Director, President of Columbia University, has created an Advisory Council of representative European statesmen and publicists, to which has been associated a body of correspondents.

We have asked ourselves whether it would be agreeable to leaders of thought in Latin America to create an organization somewhat similar to the General Council already formed in Europe.

The Division has inaugurated an exchange of visits of representative men and an educational exchange with Japan, and I hope to be able to obtain information and advice in South America which will enable us to begin in the very near future a mutual exchange of professors and students from Latin America.

I am instructed to suggest that the exchange begin at once by the annual visit of two eminent South American scholars or publicists to the United States and



two North Americans to South America. Each of these men would divide his time between two universities in the country which he would visit.

One of the activities to which this Division attaches much importance has to do with the organization of Associations for International Conciliation throughout the world.

The parent association was formed by Baron d'Estournelles de Constant in Paris some years ago. Branches have been established already in the United States, Germany and England, and others are in the course of formation.

I am directed by my instructions to invite the coöperation of interested persons in the countries which I have the honor of visiting, to organize branches of International Conciliation to be affiliated with the parent branch at Paris. These associations, while local in origin, have nevertheless an international mission and tend to create by their meetings and the excellent pamphlets they regularly issue, a friendly feeling towards the peoples of foreign countries.

"The Association for International Conciliation," says Baron d'Estournelles de Constant, "is not a sentimental, humanitarian organization. It is a practical patriotic advance organized in the national interest of each country, particularly in young countries which must consecrate all their forces and resources to their own development.

"Conciliation is the modern, indispensable complement of economic effort in every civilized country. To develop the national prosperity by the promotion of good international relations; such is our object summed up in our motto: *Pro Patria Per Orbis Concordiam*.

"Undertake arbitration rather than war, but prefer always conciliation to arbitration. Our idea, our rule of life is this:

"War rather than slavery;

"Arbitration rather than war;

"Conciliation rather than arbitration;

"Arbitration cures; conciliation prevents.

"Conciliation substitutes fruitful coöperation for sterile antagonism."

The Endowment will provide for the expenses incident to the organization of these associations, and supply the necessary means to secure the services of competent secretaries.

Let me now describe the work of the Division of Economics and History.

The work of this Division is "to promote researches into and a profound scientific study of the causes of war and of the practical methods to prevent and avoid it."

A conference was arranged at Berne in Switzerland two years ago, to which distinguished economists and publicists, drawn largely from Europe, were invited, to consider the subjects that could properly and profitably be studied and to draft the tentative program for the Division.

A large number of topics have already been assigned to specialists selected from the countries to which their work relates; some of the studies have been

completed, and, in the course of a few years, the Endowment will have published a series of remarkable monographs, covering all phases of the elaborate program, which will, it is believed,—to quote the language of Mr. Root—"be useful to mankind".

Professor Kinley, an old and sincere friend of Latin America, who represented the United States at the Fourth Pan-American Conference held in Buenos Aires, has been appointed a member of the Committee of Research, and he will devote himself more especially to the problems in which Latin America is interested; and, in the course of the coming year, he will visit Latin America to confer with the leaders of opinion, to obtain their advice, and if possible to gain their coöperation, both in suggesting and in executing those projects which they may recommend.

The third division of the Endowment is the Division of International Law.

This division, like the other divisions, found it necessary to create a special organization and to have a body of advisors.

The Institute of International Law consists, it is hardly necessary to state, of the leading authorities of all nations, and the Endowment requested the Institute to act as advisor to the Division of International Law. The Institute accepted the invitation and selected a committee which has acted as advisor to the Director. The Commission is composed of men of recognized authority on questions of international law. They are Messrs. Fusinato, of Italy; Gram and Hagerup, of Norway; Holland, of England; Lammasch, of Austria; Lardy, of Switzerland; Renault, of France; Rolin, of Belgium; and Vesnitch, of Servia.

The Division has under way several works. The first is a collection and publication of all general and special treaties of arbitration, and, in regard to the treaties of the nineteenth century especially, the Endowment would be grateful to the publicists of Latin America if they would supply information on certain questions of this nature, which is best known to them and which may perhaps be known only to them; and the Trustees would regard it as a very great favor if the governments of Latin America would supply copies of such treaties, as it is very difficult to obtain accurate and reliable texts. All known instances of international arbitration will be collected and published, with notes. Professor John Bassett Moore, the well known authority in matters of international law, and at present Counselor for the Department of State, of the United States, is in charge of this monumental work.

The Institute of International Law, which now acts as Counselor for the Division of International Law, was founded in Europe in 1873, but although the Institute represents "the universal juridical conscience", many jurisconsults have felt the need of an institution which should represent the juridical conscience of America, study the problems which concern particularly the New World, and examine from the American point of view general matters relating to the Law of Nations.

As you are well aware, an American Institute of International Law was founded by statesmen and publicists of the several American Republics, under the honorary presidency of Mr. Root. This Institute contemplates the formation of National Societies of International Law in all American countries, to be affiliated with it, and work in studying American problems, in making known their principles and in contributing to a better understanding among nations.

Lest I should seem to state in exaggerated language the aims and purposes of the American Institute of International Law, let me quote a passage from a distinguished Dutch scholar and professor of international law, who may be supposed to treat the subject with more detachment.

After having spoken of the great example America has given to the world in undertaking the codification of international law, he says:

“The second example is given us by an Institute essentially scientific but scarcely inferior in moral value. . . . This Institute has for its objects:

- (1) To aid in the development of international law;
- (2) to unite the common sentiment for international justice;
- (3) to procure a general acceptance of peaceful procedure in the settlement of international disputes among the American States.

“This luminous idea sprang from the conviction that it is better to spread conceptions of right and justice by a slow but constant appeal to the minds and hearts of peoples, than by diplomatic negotiations which are not based on a general popular sentiment. . . . This new proof of a virile progress which is brought to us from the other side of the ocean, gives new life to our hopes and redoubles our efforts.”

Mr. Root and his associates attach the highest importance to the establishment and successful operation of the American Institute of International Law, and of its affiliated societies in each of the American countries.

The Endowment now grants a subvention to the older Institute founded in Europe. This subvention is designed to cover the traveling expenses of the members of the Institute, the expenditures of the commission and the publication of their work. The new Institute can count upon receiving financial aid from the Endowment, as soon as the National Societies are thoroughly organized, and upon being placed on an equality in this regard with the older Institute.

The *American Journal of International Law* which, with some slight modification, might become the organ of the American Institute, receives now an annual subvention from the Endowment.

Another institution in which the Division of International Law is greatly interested and which it will subvention and maintain with much pleasure is the Academy of International Law, which it is proposed to establish at The Hague. A proposal was made at the Second Peace Conference at The Hague for the creation of an Academy of International Law. No resolution was passed at the time, but the idea impressed itself upon the publicists of every nationality. The

Government of Holland has taken especial interest in the matter, and a committee of Dutch publicists, under the Presidency of Mr. Asser, has taken the initiative in the creation and instillation of such an Academy in the Peace Palace at The Hague. This magnificent building would become not only the meeting place for international conferences and the home for international courts, but a focus, a live force, to spread the principles of international law among all the nations of the world.

The project contemplates systematic instruction during the summer months, in international law and subjects pertaining thereto, by a specially constituted and changing faculty, in that the professors would be chosen from among the publicists of different countries. Courses of lectures would be given on important and timely subjects by publicists who, in addition to long theoretical training, had acquired great experience in the practice of international law.

It was also proposed that the Governments should be interested in the Academy, and that they be invited to designate appropriate officials of the various branches of the governmental service to take the courses of the Academy.

The institution would be unique in its summer sessions, unique in its small and changing faculty, unique in its student body, drawn from every country, and unique in its special classes.

The Endowment would pay all the expenses of the Academy, and ask the governments merely to designate the persons who would take the courses of the Academy; but the Academy would not be a direct agency of the Endowment nor under its control.

I am directed to submit to your consideration the project of this Academy, and ask all the Latin American republics that they will designate one or more of their citizens to attend the lectures and follow the courses of instruction at the Academy.

You will notice that Mr. Root and the Carnegie Endowment attach great importance to the scientific development of international law, and they would be greatly pleased to see the establishment of an international court of justice which is not temporary for isolated cases, but permanent for all cases. You are well acquainted with the maxim *inter arma silent leges*, but the contrary assertion is also true: *inter leges silent arma*. History shows us that this is true with reference to individuals and it may be observed that it is also applicable to nations.

Another matter to which I desire to call your present attention is the establishment of national committees to determine what subjects are to be embodied in the program of the next Peace Conference at The Hague; it will be the duty of these national committees to get into touch with the national committees organized in the various other American countries.

It is common knowledge that the second Peace Conference of 1907 recommended the call of a third Conference to be held at a period approximately equal to that which had elapsed between the first and second Conferences, that is to say,

eight years, so that, if the recommendation is carried out, we may expect the third Conference to meet approximately in 1915. It was further provided in the recommendation that about two years before the probable meeting of the Conference an international preparatory committee should be constituted by common accord among the powers.

It is evident that the different countries which will be invited to the Third Hague Conference should consider all these important matters before the constitution of the international preparatory committee, and it seems advisable—indeed necessary—that each government should appoint a committee to consider these matters in detail in order that the governments shall be able to make their recommendations in the fulness of knowledge.

The five subjects which I am directed to lay before you and to solicit your coöperation therein are therefore, as follows:

The formation in each country of a National Society of International Law, to be affiliated with the American Institute of International Law;

The establishment in each country of a National Society for International Conciliation to be affiliated with the parent Association for International Conciliation at Paris:

The appointment of National Committees for the consideration of contributions to the program of the next Hague Conference and for making arrangements for the inter-communication of such Committees among all American Countries;

An educational exchange between the South American Universities and those of the United States and international visits of representative men;

The participation of the American governments in the proposed Academy of International Law at The Hague, by providing for the sending on the part of each government of one or more representative students to that Academy.

Allow me to employ a final quotation from Mr. Root's instructions to me:

“The Trustees of the Endowment are fully aware that progress in the work which they have undertaken must necessarily be slow and that its most substantial results must be far in the future. We are dealing with aptitudes and impulses firmly established in human nature through the development of thousands of years, and the utmost that any one generation can hope to do is to promote the gradual change of standards of conduct. All estimates of such a work and its results must be in terms not of individual human life, but in terms of the long life of nations. Inconspicuous as are the immediate results, however, there can be no nobler object of human effort than to exercise an influence upon the tendencies of the race, so that it shall move, however slowly, in the direction of civilization and humanity and away from senseless brutality. It is to participate with us in this noble, though inconspicuous, work that we ask you to invite our friends in South America with the most unreserved and sincere assurances of our high consideration and warm regards.”

Excellencies, Ladies and Gentlemen: Before concluding I wish to express again to you my most sincere thanks for the great honor which has been done me, and to testify my profound gratitude for your warm and sympathetic welcome.

**Address of Señor Tudela y Varela, Minister of Foreign Affairs,**

AT A BANQUET GIVEN BY HIM FOR MR. BACON,  
LIMA, NOVEMBER 7, 1913

[*Translation from the Spanish*]

*Mr. Bacon:*

It is with very great pleasure that I tender you this banquet on behalf of the Government of Peru, which fully appreciates the high purpose of your visit.

Skilled diplomat, formerly Secretary of State and Ambassador to France, distinguished member of the Board of Trustees of Harvard University, advocate of right, you represent the highest order of thought in your country.

The success of your civilizing and humanitarian mission will undoubtedly be in keeping with these exalted titles, not only on account of the renown they represent in themselves, but because our Western World has always been eager to encourage every noble and generous effort.

You may rest assured, Mr. Bacon, that the ideals of the American Institute of International Law will find here the warmest of welcomes. Peru may proudly boast that she has proclaimed these ideas at every moment of her history, and she entertains the hope that they will some day effectually prevail, overcoming the inevitable obstacles with which human frailty has blocked the path of the complete triumph of right.

I beg that the ladies and gentlemen will now join me in my wishes for the happiness of our distinguished guest, that of his charming family and for the prosperity of his great country.

**Response of Mr. Bacon**

[*Translation from the Spanish*]

*Ladies, Gentlemen, Mr. Minister:*

I thank you with all my heart for the flattering words in which you have referred to my humble self, for the courteous expressions touching my country and for this charming dinner offered me by your Government. I likewise wish to repeat my profound thanks for the cordial welcome I have received from you, Mr. Minister, and from your fellow-citizens, with the generous hospitality so characteristic of your gallant Spanish race.

The sympathy you have shown for my mission and your cordial promise of support fill me with gratitude, with joy and with hope for the future. I assure you that your friendship, your goodwill and your support are invaluable to us; if I may be permitted to borrow your expression, "they are worth a Peru to us."

We Americans of the North are proud of our progressive sisters of the South. Among these the noble and charming Republic of Peru takes a prominent place, both on account of the culture of its people, the virility of its race, the purity of its language, the progress of its present civilization, its marvelous history and the mysteries of its past civilization.

We know that this country is, in the language of the poet, "chest of early treasures, precious storehouse of the royal earth." The Andes and the Pacific encircle it in loving embrace, and the brave, noble and enterprising character of the Peruvian people derives its nobility from the majestic ocean and the towering mountains that surround this land.

When the Panama Canal has been completed, Peru will begin a new chapter in her history. Through this canal, the marvel of modern engineering, the ships of commerce will pass and scatter, like soldiers, to invade your ports; immigration will follow, and the European races will contribute to the development and growth of the agriculture, industry and commerce of this beautiful land of Peru, and to the opening up of its untold resources.

We entertain the very best wishes for your prosperity. We are happy in the thought that the relations of the past redound to the credit of our common continent; we are proud of the traditional friendship of Peru and the United States and we hope that these good relations will not only be perpetuated but strengthened in the future, and that with each added year our relations will become more intimate, more confidential, in a word, more fraternal. And this is to be expected from the members of one great family, inhabiting the same continent, having the same ideals and with the same destiny.

We hope that this beautiful land of the Incas will continue along the path of welfare and progress, and that its future may grow every day happier and brighter.

Gentlemen: To the Republic of Peru, to our illustrious host and to the distinguished ladies who have honored us with their presence.

### Remarks of Sr. Luís G. Rivera,

AT A RECEPTION AT THE CENTRO UNIVERSITARIO,  
LIMA, NOVEMBER 7, 1913

[*Translation from the Spanish*]

*Mr. Bacon:*

The Centro Universitario, representing the university students of Peru, is highly honored to receive you in its modest quarters. The student body, which knows what you have accomplished, which has followed your progress and which admires the energy and greatness of your people, begs you before you leave this capital to stamp in this humble house, inhabited by students who profess the same cult as you do, a mark of your friendship, to speak a few words of hope and encouragement to the youth of Peru who love truth, respect justice

and ardently desire that the supreme blessing of peace may triumph over petty interests and momentary differences.

Mr. Bacon, when you return to your great university, take with you our affectionate greetings to the students of North America; tell them that here in the land of the Incas they have many comrades and friends with the same ideals, the same enthusiasm; and you, eminent master, be assured that as you toil in the fulfilment of your task you will have our steadfast coöperation; bear in mind that the youth of Peru stand ready to share your noble labors and to sustain unflinchingly the doctrine of peace, white as the snow-capped crests of the Andes.

**Address of Dr. Manuel F. Bellido,**

AT A RECEPTION OF THE BAR ASSOCIATION,  
LIMA, NOVEMBER 8, 1913

*[Translation from the Spanish]*

*Gentlemen:*

The Colegio de Abogados of Lima is honored in extending an honorary membership in its body to Mr. Robert Bacon who comes to us preceded by the fame of his high attainments. This fame has already reached you, and so you are aware that the present Trustee of the University of Harvard, former Secretary of State and Ambassador to France is now fulfilling a most important mission in the service of the noblest of causes: peace among civilized nations.

The beautiful ideal conceived by the great philanthropist, Mr. Andrew Carnegie, has led him to make an endowment of ten million dollars to further its realization. This great purpose may or may not be attained in a more or less remote future, but Mr. Carnegie has by his noble deed already earned the applause of all men of goodwill.

The Trustees in charge of administering this generous gift, organized a corporation whose purposes are as follows:

- (a) To promote a thorough and scientific investigation and study of the causes of war and of the practical methods to prevent and avoid it.
- (b) To aid in the development of international law, and a general agreement on the rules thereof, and the acceptance of the same among nations.
- (c) To diffuse information, and to educate public opinion regarding the causes, nature, and effects of war, and means for its prevention and avoidance.
- (d) To establish a better understanding of international rights and duties and a more perfect sense of international justice among the inhabitants of civilized countries.
- (e) To cultivate friendly feelings between the inhabitants of different countries, and to increase the knowledge and understanding of each other by the several nations.



- (f) To promote a general acceptance of peaceable methods in the settlement of international disputes.
- (g) To maintain, promote, and assist such establishments, organizations, associations, and agencies as shall be deemed necessary or useful in the accomplishment of the purposes of the corporation, or any of them.

The illustrious Mr. Bacon has been commissioned by the Carnegie Endowment to further the realization of this attractive program.

There are many who believe the abolition of warfare among civilized nations to be a Utopian dream, but even to these the purposes of the Endowment must command not only their sympathy but their coöperation as well, since, as Mr. Bacon said yesterday at the University of San Marcos, we may call the Carnegie Endowment an endowment for international friendship. Let us all coöperate toward that friendship, and peace must necessarily result.

And if this result is only a Utopian dream, let us at least hold on to it as one of the ideals of humanity, so that it may be a comfort to us on our pilgrimage, and may support our faith in the efficacy of our labors. If, on the other hand, peace among civilized nations becomes a splendid reality, let us not stop to determine the date of the triumph; this will be the work not of individuals but of nations; the men of the present generation will not see it, but their posterity will enjoy its blessings. Let us not lose heart; rather let us toil as he who sows the acorn, not for ourselves but for those who come after: let us do our part for the benefit of future generations.

Mr. Bacon, one of the objects of your mission is that of "aiding in the development of international law and a general agreement in the rules thereof, and the acceptance of the same among nations". The members of this association, by reason of their profession, are bound to work toward the advancement of this division of the science of law, and it is my hope that they will give it due consideration.

We have been pleased to confer on you, who have made a special study of this branch of the law, the title of honorary member of our association, and your acceptance honors us. Your name will take its place with other illustrious men, such as that of the eminent Elihu Root, and be an ornament to this institution.

Mr. Bacon, I confer upon you an honorary membership in the Bar Association of Lima.

### Address of Dr. Aníbal Maúrtua

[*Translation from the Spanish*]

*Gentlemen:*

This respected Bar Association of Lima has just performed an act of appreciation by extending an honorary membership to Mr. Robert Bacon, the eminent North American statesman, who, in fulfilment of the mission entrusted

to him by the Carnegie Endowment for International Peace, has done us the honor of a visit.

The day before yesterday in the course of a notable address which Mr. Bacon delivered on the occasion of being admitted as an honorary member of the Faculty of the University of San Marcos, he set forth in detail the purposes and aims of the Endowment.

The Carnegie Endowment is not a society devoted merely to peace propaganda; it is a scientific institution which, to quote from the words of the Honorable Elihu Root at the first meeting of the Trustees on December 14, 1910, will seek to obtain a clear perception of the social diseases of humanity, "one of which is war." One of its chief aims is the investigation of the causes of war and its effects on both neutrals and belligerents in order that it may be always in a position to recommend what measures should be adopted to prevent, as far as possible, appeals to force. The Carnegie Endowment, in a word, is a highly civilizing institution entitled to universal respect.

Mr. Bacon, you may take with you to the founder and to the Trustees of the Endowment the assurance that here in Peru we shall earnestly second the humanitarian aims of your institution. This duty is imposed upon us, not only because of the high purposes of human harmony and brotherhood which it pursues, but by reason of the great strides which will be made in our relations with the United States of America, Europe and Asia, so soon as the Isthmus of Panama is opened to the traffic of the world in 1915.

Gentlemen, we should not be unmindful of the influence that has been exercised by two notable American events in the social, economic and political life of the other nations of the world. In the first place, the discovery of the New World changed the trade-routes and the political power of Europe, Africa, and Asia; they were shifted from the East to the West. Secondly, the independence of America made a deep impression on the destinies of humanity. Independent America introduced religious freedom, which the Old World has since followed. Free America, furthermore, created democratic institutions which are to-day being copied by the monarchies of Europe. With its political freedom won, America then began assimilating immigration and formed the sub-races of the Yankee in the North and the Creole in the South, granting them the fullest measure of civil and political rights, to a degree not yet obtained by certain human races. America affords the opportunity for the enterprising, without regard to station or caste, to amass huge fortunes which have broadened the vision of their owners to undertake tasks similar to that begun by Mr. Andrew Carnegie, the Scottish philanthropist and millionaire, who came to the United States in 1848. Lastly, this continent has been the place where the principle of arbitration, as the means of preventing war, has always been proclaimed and enforced.

The opening of the Panama Canal, which will constitute the third great American event, will undoubtedly exercise even greater influence in the development of the commercial and political relations of Europe and Asia.

In the relations between the two portions of this continent, the Canal will be a powerful instrument for education, for the sentiment of Pan-Americanism, and for the political conscience of Latin America. In North America education is free; it has reached a marvelous degree of development and has raised the moral and intellectual level of the working and producing classes. There education is the greatest factor in earning a livelihood. In South America, our line of thought is in some respects still European, which works to the detriment of the people's welfare.

Again the Pan-American spirit has not been developed in all the States of this continent, notwithstanding the fact that the Monroe Doctrine and the leadership of the United States have opened the way to the development of these nationalities.

Lastly, our aspirations and our thoughts are not wholly American, nor have we any idea of the rôle we should play in the world balance of power.

The Carnegie Endowment with its complete educational, economic and political program, looking forward to the events of the future, presents a full picture of Pan-Americanism in its general outline. For the future guidance of these nations and for the political balance of power between Europe and America it has two qualities to commend it: The assurance of the national sovereignty of each of the States of this continent and the progress of commerce and intellectual intercourse which, as every American earnestly hopes, will put an end to warfare.

### Response of Mr. Bacon

*[Translation from the Spanish]*

*Gentlemen:*

The many marks of attention which I have received at the hands of the cultured society of Lima, together with those offered me by the Government and the honorable associations of your intellectual world, fill me with sincere and lasting gratitude.

I feel honored that the sympathy which my mission and my university have awakened in you should have led your famous Bar Association to confer on me the very precious title of honorary member. I assure you that I prize this distinction in all its worth. I feel very highly honored, members of the Peruvian Bar, to be able to call myself your fellow-member.

The day before yesterday I set forth briefly the main purposes of my visit here. In compliance with the gracious invitation given me, I shall now speak at greater length of one of them, perhaps that which will be the greatest force in promoting the work of Pan-American intellectual union.

I refer to the support to be given to the American Institute of International Law and the formation of National Societies of International Law.

"*Ubi societas, ibi jus*"—Where there is a society of nations there is a law of nations. As the society grows or changes, the law is developed or modified to meet the new or different needs of the society. A nation cannot exist and fulfil its mission separate and apart from the society any more than man can live in isolation. This has been so in all ages of which history has furnished us a record; it is so evident, indeed, that Aristotle felt justified in saying that man was a political animal, for men tend to form a society, however large or small, and organize themselves on a large or small scale for a political purpose.

As with the man, so with the nation. It cannot exist of and for itself; it is a political unit, a body politic, or a moral person. It is either a member of the society of nations which has naturally resulted from the mere existence of nations, the needs of mutual intercourse, or the nation is admitted into membership of the society of nations, as is the case with every country of the American continent, upon its application or its recognition as a member by the international society. By such membership each and every nation acquires the rights which each nation possesses in an equal degree. Each nation is equal in and under the law, and at one and the same time becomes subject to the duties imposed by the law, for rights and duties are correlative terms. The right of one is the right of both; the duty of each is to respect the right of each and of all. But independence does not and should not mean the right and the power to act without reference to the other members of the society; for a failure to respect the rights of others is the violation of a duty; if unchecked, it results in anarchy which is incompatible, not merely with the progress and well-being of the members of the society, but with the continued existence of the members. Such a state of things is impossible among men; it is equally impossible among nations. We are far removed from the condition of things which Hobbes could define as a "*bellum omnium contra omnes*," even although the law of nations is neither so developed nor so adequate as the internal or municipal law of each and every member of the society of nations.

While we can accept the principle of equality without qualification, we must understand independence in the sense that a nation is not and cannot be free to act in violation of the rights of other nations, just as individual men and women renounce absolute and unrestrained freedom of action in order that their rights shall be observed and protected as well as the rights of others. Independence thus shades, necessarily, naturally and imperceptibly into interdependence, without, however, questioning the equality of each nation and its freedom from intervention on the part of others.

What is this law of the society of nations which every nation acknowledges and applies or should apply in its relations with other members of the

society of nations? Without attempting to define this law—for my present purpose is to state its existence and the necessity of its existence—it may be said that the law referred to is international law, which has come into being to meet the needs of nations. Once the possession of the few—the canonists and philosophers, the jurists and the statesmen—it has become the possession of the many. It is no longer to be gathered exclusively from the usages and customs of nations to be found in the archives of foreign relations, but it exists in systematic form, in the works of Wheaton, to cite an authority of the United States, and in the elaborate and authoritative treatise of the South American author, Calvo, and in the works of other leading authorities.

In former times, when a special class of the chosen few governed the nation and directed its foreign relations, it was, perhaps, not necessary that the law of nations should have been studied and its principles mastered by the many. But a change has come over the world in the last hundred years and more. To-day in the case of every empire, kingdom or republic, the ruler is responsible to the people for whose benefit government is and must henceforth be administered. The people of each and every country have become masters of the situation, and we must educate our masters, not merely as to their rights as to which they are tolerably well informed, but as to their duties, as to which we all need enlightenment. The people at large possess the power and the duty to influence foreign relations, and as the people are in the end responsible for the correct and enlightened conduct of foreign affairs, and as they suffer the consequences of the mistakes of government, it follows necessarily and fatally that they must fit themselves for the responsibility which they cannot avoid, by a broad and extended acquaintance with the principles of international law.

It cannot be expected that every voter will become an international lawyer, and it is not necessary that every voter should. It is, however, vital that large classes of the people should take an interest in the law which controls international intercourse and by which the rights and duties of nations are to be tested. It is only through a knowledge of international law that a just public opinion can be formed on questions of foreign policy, and, as public opinion fashions foreign policy, it needs no argument that a knowledge of the principles of international law should be sufficiently disseminated in order to form public opinion, on enlightened lines, in each and every nation belonging to the "Society of Nations."

The expression "Society of Nations" has been used as more accurate and significant than the "Family of Nations," but in a large and generous sense, the idea of a family applies with peculiar force and suggestiveness to the twenty-one republics of the Western world, alike in their origin, having similar forms of government and identical in their hopes and aspirations.

Confining ourselves to what may be called the American problem, how can we develop international law in such a way as to make it meet the growing

needs of the twenty-one American republics; how can we formulate the rules of law which are necessary to decide our problems; how can we conduct our mutual relations in such a way as not to disturb the harmony that should exist among the members of one and the same continent, and how can we bring a knowledge of these matters home to the classes that form public opinion in each and every one of the twenty-one American republics?

The Pan-American conferences may be trusted to continue; the regular and periodic exchange of professors and students may be, and we hope, will be inaugurated, the knowledge of the institutions and of the contributions of each nation to the common good may become general; the visit of representative men may and will tend to create and promote social intercourse, but the relations of nations, considered as such, depend upon an understanding and dissemination of just principles of law and their application to disputes which are bound to arise among members of one and the same family.

How can this law be developed? How can these principles, when found and formulated, be best disseminated? These are questions which must be answered and upon the correct answer depends in large part the future relations of the American nations.

It needs no argument that a law to affect all must be made by all, that is to say, it must be the result of coöperation. The law of nations is not the law of any one nation; it is not made by any one nation. It is not imposed by any one nation, it cannot be changed by any one nation.

The law may be codified where it exists, and created where it does not exist by the action of governments, just as the American States have proposed to do, and have actually begun the work in a meeting of American jurists held at Rio de Janeiro in June of last year. But governments move slowly, and when they move too rapidly and in advance of public opinion their work does not last. Is there not a place for private, that is to say, for scientific coöperation among the publicists of America? A private body of Europe, the Institute of International Law, founded in 1873 on the suggestion of the distinguished North American, Francis Lieber, and of which Institute the distinguished South American, Calvo, was a founder and an ornament, has done more than any single agency to develop international law. Its drafts in various phases of international law, its resolutions, its statement of old as well as of new law have been accepted by specialists and its various projects have been adopted by governments because of their value and practical worth. Slowly and tentatively, scientifically and unerringly it has solved problem after problem and produced model after model of correct codification. Much of its work has been adopted by The Hague conferences, notably the code of arbitral procedure, the code of land warfare, the suggestion of a court of prize, and it is not too much to say that it made possible the work of The Hague. It prepared the way and furnished model drafts which could be accepted with only slight modifications by the conferences. The patient labor

of an unofficial society, composed of publicists representing science, not governments, furnished not merely the form but the substance for the official conference. It is hardly open to question that an official codification of international law must be preceded by the careful, patient, inconspicuous labor and devotion of scientists, if the codification is to state just principles of law which the "Society of Nations" can adopt instead of a compromise of conflicting interests and views of the governments.

Is there not room for an American Institute of International Law, composed of an equal number of publicists from each of the American countries, which can do for our continent what the older Institute has done for the world in the last forty years? Could not this American Institute work in friendly coöperation with National Societies of International Law in every American capital? Could not these National societies bring together all persons interested in international law, create this interest where it does not exist, and form a center in each country for the study and popularization of international law?

The American publicists thought so, and they have established the American Institute of International Law, after conference with and upon approval of leading publicists of the Continent. The members of the older institute thought so, as is evidenced by their warm and unsparing praise of the proposal; and such is the opinion of the distinguished North American statesman, Elihu Root, who has accepted the honorary presidency of the Institute.

In an address at the opening of the Twentieth Peace Congress in The Hague during the month of August, the distinguished Dutch publicist, Professor de Louter, referred to the three hopeful and encouraging events of recent date, all three of which are of American origin. The first was the codification of international law proposed by the Pan-American Conferences and actually begun by the Congress of American jurists which met in Rio de Janeiro in June, 1912; the second was the formation of the American Institute of International Law, proposed and founded by the happy coöperation of South and North American publicists; the third was the creation and proposed activity of the Carnegie Endowment for International Peace.

Let me dwell for a few moments on the question of National Societies, which are to be formed and affiliated with the Institute, whose members are chosen from the members of the National Societies. The older Institute contemplated National Societies but none was formed until after the founding of the American Institute.

In February of the present year the French Society of International Law was founded.

If a National Society is needed in France and can perform useful work, it is fair to presume that such a National Society may be formed in each of the American Republics and that it can justify its existence by useful and construc-

tive work in the country of its origin. The French Society issues a modest bulletin. This could be done by each American Society and the interchange of the different bulletins would keep all of the National Societies informed of the work done by the others. A large and comprehensive Review of International Law would not need to be founded or supported by the American Institute, as the *American Journal of International Law*, now issued in a Spanish translation by the American Society, could be modified so as to fit it to be and to make it the organ of the Institute without additional expense and without any cost to the Institute. It could be distributed to the members of the Institute and to the members of the National Societies so that the International Society would thus have an international journal and each National Society a national bulletin. All workers in the field of international relations would be brought into close and intimate relations, and instead of isolated activity, all would press forward together towards a common goal, and international law would be developed, expounded and popularized by the nations of a continent.

Let me indicate, in closing, how the American Institute can help the Carnegie Endowment in its great and peaceful mission. The older Institute was requested to act as advisor to the Endowment's Division of International Law. It accepted the invitation and appointed a committee composed of the most experienced and illustrious of European publicists, so that the Division has the advantage of the best advice that Europe can furnish as to what it should undertake and as to the method of execution.

As the Institute has performed, and performs, incalculable services, the Endowment makes a generous subvention to the Institute which is employed in part in meeting the travelling expenses of the members of the Institute, which does not meet in any fixed place but holds its meetings from year to year in the different countries of Europe, and also in part in paying the expenses of its commissions, and in the preparation and publication of its valuable reports.

If the American Institute is firmly established, with the national and affiliated societies, cannot the American Institute be asked to act as advisor to the Endowment's Division of International Law on all problems of an American nature and all undertakings affecting America, and may not the Institute justify such financial support as may be needed to be expended in the same way as the subvention to the European Institute?

I am specially instructed by Mr. Root, Honorary President of the American Institute of International Law, and President of the North American Society of International Law, to urge you to help the American Institute to perform the mission for America and for the world that the European Institute performs for Europe and the world, and to urge you to form a National Society of International Law, affiliated with the American Institute.

If you join us in this work of intellectual union, if the Latin American countries and the United States unite in a constant effort for the improvement of the relations between nations, if all the countries of this hemisphere work



in unison toward a common ideal, there will then be created a powerful force for good, which cannot fail to benefit our continent, the world and humanity.

In conclusion, I wish to express the most loyal sentiment of high regard which I have for this illustrious Association, a worthy representative of the Peruvian Bar, and to voice my hope that justice and right may ever prevail in this land as the safeguard to the rights of its citizens.

### Remarks of Sr. José Balta,

AT A RECEPTION OF THE GEOGRAPHICAL SOCIETY,  
LIMA, NOVEMBER 8, 1913

[*Translation from the Spanish*]

*Mr. Bacon:*

It is a source of great satisfaction to me to present to you this diploma accrediting you as honorary member of our Geographical Society.

The motto of the institution you represent applies to every association of men of science, who, without forsaking their countries, work on behalf of humanity; it is, moreover, particularly fitting to geographical societies that consider the Earth merely as an organism in constant evolution through the ages, and the human race as a group of like beings which neither the color of the skin, nor the configuration of features suffices to divide into radically different, and, much less, hostile, groups.

In the conception of the fatherland by the world of science it is possible to have all boundary lines and all race prejudices blotted out and so bring about sincere friendship between nations.

Welcome to our modest institution which I wish might bear the motto of the Smithsonian Institute, that other grand North American creation: "The increase and diffusion of knowledge among men," side by side with the words that embody the programme of the Carnegie Endowment: *Pro patria per orbis concordiam.*

### Response of Mr. Bacon

[*Translation from the Spanish*]

Permit me, gentlemen, to express my sincere thanks for your cordial words regarding my mission and myself, and for the special distinction you have done me in conferring upon me an honorary membership in your Society. I am deeply touched, by this evidence of friendship, which, I assure you, I highly appreciate.

The objects of your Society are peculiarly attractive to me. The investigation of problems and geographical mysteries is not only a fascinating and invaluable study in itself, but the diffusion of geographical knowledge has knit nations together in closer bonds and has contributed to the spread of civilization, and, hence, of international friendship and international sentiment.

It is fitting, it is necessary that nations should grow together, should work to help to spread civilization. No nation, no human being for that matter, can live for and to itself, and the co-operation of nations is as essential to the progress of the world as the co-operation of individuals is to the progress of society.

Geographically, America is a unit; industrially, its members live in closer contact every day; and, intellectually, each member should contribute to the knowledge and to the progress of all.

Again I thank you, gentlemen, for your courteous welcome and the honor done me.

### Remarks of Dr. Romero,

AT A BANQUET OF THE FACULTY OF THE UNIVERSITY OF SAN MARCOS,  
LIMA, NOVEMBER 9, 1913

[*Translation from the Spanish*]

*Gentlemen:*

I have no set speech worthy of the distinguished personage we are honoring and of the importance of the mission he bears; and I have not prepared a speech, because, sharing the opinion of my colleagues, I thought that a set speech was out of place when honoring one of our own. And, so, it is, in truth, gentlemen: we are tendering this banquet to Mr. Bacon because he has done us the honor of accepting an honorary membership in our Faculty: we are celebrating an occasion of great significance to us.

It is an ancient custom to celebrate momentous events and occasions of special importance with banquets. It was intended thereby to furnish moments for closer intimacy, to realize materially what already existed through the communion symbolized by the fraternity of souls having the same ideals and aspiring to identical ends in everything which is great or good.

With this banquet we celebrate the high honor done us by Mr. Bacon; we seek to express our happiness at his becoming a member of our Faculty; and seated at the same table, free from an exacting ceremonial whose bounds we could not pass, tell him how great is our regard for him, how happy we are at the thought that the distinguished member of a great University of the United States has seen fit to visit our country and to set forth in lucid speech the purposes of his high mission. If it was out of place, therefore, to deliver a set speech because one of our own members had sat down at his own table; if his arrival is the occasion for spontaneous welcome to be shown by manifestations of sincere affection, then it is proper that we should give this outward proof of our joy, and so I confine myself to begging you, gentlemen, to join me in drinking to the health of Mr. Bacon, and of his charming family, voicing at the same time the hope that he may carry with him the satisfaction of having achieved complete success in the realization of the aims of that great Institution, which, apart from its high deserts, has afforded us the honor and pleasure of having Mr. Bacon with us to-day.

### Response of Mr. Bacon

[*Translation from the Spanish*]

*Mr. Rector; Gentlemen:*

Once again I am pleased to express my sincere thanks and my warm appreciation for the honors and distinction conferred upon me by you, Mr. Rector, and by the esteemed members of the Faculty of this University.

I assure you, gentlemen, I am deeply touched by your charming courtesy and kind hospitality, no less than by your spontaneous offers of help in the work of intellectual union. The recollection of your kindness will make the impression produced by your wonderful country, your historic capital and your charming people more delightful and more lasting.

It has sometimes been thought that those who speak of international friendship, of the sentiment that controls everything else in this world, are mere idle dreamers. But it is no dream to say that the world is evolving through the ages from the material to the spiritual, to the moral, to the intellectual life. We can not appreciate this in a single day, just as we cannot perceive the movement of the tide. We see the waves, but the tide ebbs and flows imperceptibly. Progress, the continual irresistible progress of civilization, never halts.

The facilities of communication are not only making trade and industry easier but they are drawing the different nationalities into closer social and intellectual union. Travel, personal intercourse and the knowledge of different countries and institutions, tend to remove the causes of suspicion which unfortunately exist among nations and peoples that are not brought into intimate touch with one another. International conferences contribute greatly to create a better understanding among peoples, and the influence of the Pan-American and Latin American Conferences has been marked. It is a matter of great satisfaction to see congresses, such as the Medical Congress which has just been held in this city, attended by distinguished physicians from the whole of America. The valuable results to be obtained from these conferences are not confined solely to the world of science; they also serve the purpose of drawing the bonds of friendship between different countries closer. The medical profession of Latin America deserves the warmest praise and congratulation; its members, meeting in international congresses, have contributed to the welfare of the world and to the development of sentiments of friendship and brotherhood among nations. Through you, Mr. Rector, I desire to express my cordial greetings and good wishes to the Dean of the Faculty of Medicine and to the members of the Medical Congress.

Once more I thank you for your hospitality. Although my stay in this beautiful land of Peru has been a brief one, I shall not, however, forget the pleasing impression I experienced the first moment I set foot on your soil. The wonderful history of Peru had seized my interest. The cordiality and affable disposition of the people have held my affection; and after contemplating the

great progress to be seen everywhere, in the intellectual order as well as in the material, there has now been added to my interest and my affection my unbounded admiration. On leaving this charming City of Kings, I take with me personal feelings of goodwill, real friendships for the future, and I wish to say to my friends of Peru not "good-bye" but "till we meet again."

I raise my glass, gentlemen, to the University of San Marcos, its distinguished Rector and to its illustrious Faculty.

**Letter from Dr. Juan Bautista de Lavalle,**

ACCEPTING THE SECRETARYSHIP OF THE CONCILIATION INTERNATIONALE FOR PERU,  
LIMA, NOVEMBER 8, 1913

[*Translation from the Spanish*]

TO THE HONORABLE ROBERT BACON,

*My dear Sir:*

It is a very great pleasure to me to accept the Secretaryship which you have seen fit to offer me of the Society for International Conciliation which has already been formed in Peru, thus realizing one of the objects of your noble mission. This Society will coöperate with the parent institution founded in Washington by the eminent President of the University of Columbia, Dr. Nicholas Murray Butler, with that created in Paris by Baron d'Estournelles de Constant, and with the societies recently established in the other Latin American countries you have been visiting.

No cultured mind can remain indifferent to the appropriate motto, to the elaborate programme and to the high mission of the Society for International Conciliation whose purposes have been so clearly set forth by Baron d'Estournelles de Constant, by the great Elihu Root and by yourself in these words: "True patriotism consists in serving one's country. It is not enough to be ever ready to defend it; it is necessary to save it difficulties and needless dangers, and to develop by means of peace its resources, its wealth and its commerce." "The object of the Society for International Conciliation is to develop national prosperity under the auspices of happy international relations and to organize these good relations upon permanent and lasting bases." "We should do the work at hand, with the hope that every effort will produce some result, even though it be not given to us to see it."

I beg to thank you also for the splendid gift of the medal of the Institution bearing the beautiful design of Eugène Carrière and the suggestive motto "*Pro patria per orbis concordiam.*"

With the assurances, etc.

(Signed)            JUAN BAUTISTA DE LAVALLE.

## APPENDIX VII

### *Monographs Printed and Distributed in Latin America*

[*Translation from the Spanish and French*]

#### 1. The Carnegie Endowment for International Peace

On December 14, 1910, Mr. Andrew Carnegie placed in the hands of twenty-eight Trustees the sum of ten million dollars, the annual income of which (\$500,000) was to be administered "to hasten the abolition of international war," which he declared to be the "foulest blot upon our civilization." "The nation is criminal," he further said in the letter accompanying the bequest, "which refuses to arbitrate and drives its adversary to a tribunal which knows nothing of righteous judgment."

At their first meeting the Trustees organized by electing Elihu Root President, Joseph H. Choate Vice-President, and James Brown Scott Secretary. Subsequently, Honorable Charlemagne Tower was elected Treasurer.

Mr. Carnegie wisely left the Trustees full liberty to create the organization and the agencies to give effect to the fundamental purpose for which the fund was created. Thus, in the letter accompanying the gift he said: "Lines of future action cannot be wisely laid down. Many may have to be tried, and having full confidence in my trustees I leave to them the widest discretion as to the measures and policy they shall from time to time adopt, only premising that the one end they shall keep unceasingly in view until it is attained is the speedy abolition of international war between so-called civilized nations."

The Trustees decided that the institution should be called the "Carnegie Endowment for International Peace," and a special committee was appointed to formulate the aims and purposes of the Endowment. This was a difficult task, for Mr. Carnegie's views were expressed in general terms. After much thought and deliberation, the Trustees adopted the following statement on March 9, 1911:

That the objects of the corporation shall be to advance the cause of peace among nations, to hasten the abolition of international war, and to encourage and promote a peaceful settlement of international differences, and in particular—

(a) To promote a thorough and scientific investigation and study of the causes of war and of the practical methods to prevent and avoid it.

(b) To aid in the development of international law, and a general agreement on the rules thereof, and the acceptance of the same among nations.

(c) To diffuse information, and to educate public opinion regarding the causes, nature, and effects of war, and means for its prevention and avoidance.

(d) To establish a better understanding of international rights and duties and a more perfect sense of international justice among the inhabitants of civilized countries.

(e) To cultivate friendly feelings between the inhabitants of different countries, and to increase the knowledge and understanding of each other by the several nations.

(f) To promote a general acceptance of peaceable methods in the settlement of international disputes.

(g) To maintain, promote, and assist such establishments, organizations, associations, and agencies as shall be deemed necessary or useful in the accomplishment of the purposes of the corporation, or any of them.

Pending incorporation, the business of the trust is conducted by the Trustees as an unincorporated association. The principal office of the Endowment was located in the city of Washington, District of Columbia, and provision was made for offices elsewhere. An executive committee of seven members, including the President and Secretary, was appointed to direct and supervise the business and conduct the affairs of the Endowment, subject to the approval of the Trustees. The Secretary was made the chief administrative officer of the Endowment, and, subject to the authority of the Board and the Executive Committee, he was given immediate charge of the administration of its affairs and of the work undertaken by it or with its funds. The By-Laws require that he shall be a member of the Board of Trustees, and shall hold office during its pleasure.

The officers elected at the first meeting on December 14, 1910, were formally re-elected on March 9, 1911, at which meeting the aims and purposes of the Endowment were formulated, and a series of By-Laws were adopted.

The statement of aims and purposes above quoted shows that the Endowment is largely a scientific institution and that it will carefully investigate the origin and causes of war, as well as its economic effects on neutrals and belligerents, in order to be in a position to recommend measures to remove as far as possible the causes of war. Wise action can be taken only in the fulness of knowledge and only after a thorough study of the problems, a careful weighing of the difficulties to be overcome, the methods to be employed,—which must necessarily change with changed conditions,—and above all, by the exercise of a sound and enlightened judgment as to what is reasonably possible, given the experience of history and a firm grasp of conditions actually existing in the countries which make up the society of nations. That the Endowment would be largely an institution of scientific research, was made evident by President Root's remarks at the first meeting of the Trustees on December 14, 1910:

I think the field of general observation upon the subject of war and peace, general exposition of the wrongfulness of war, and the desirableness of peace, is already pretty well covered. I think this Endowment will be of little use unless it does something further than that. We must do what the scientific men do, we must strive to reach some deeper insight into the

cause of the diseases, of which war is a symptom, than can be obtained by casual and occasional consideration. That deeper insight can be attained only by long and faithful and continuous study and investigation.

The aims and purposes of the Endowment as formulated by the Trustees fall naturally into three groups: one dealing with the creation of a public opinion in favor of the peaceful settlement of international disputes; another with the investigation and study of the causes of war; and the third with the principles of law and justice which, if accepted and applied by nations in their mutual intercourse, will enable them to settle many, if not all, of the controversies which have either provoked war or embittered international relations in the past. The Executive Committee therefore established three divisions: the first, to be called the Division of Intercourse and Education, whose chief purposes are (1) to diffuse information, and to educate public opinion regarding the causes, nature and effects of war, and means for its prevention and avoidance; (2) to cultivate friendly feelings between the inhabitants of different countries, and to increase the knowledge and understanding of each other by the several nations; (3) to maintain, promote, and assist such establishments, organizations, associations, and agencies as shall be deemed necessary or useful in the accomplishment of the purposes of the association, or any of them; the second, to be called the Division of Economics and History, to promote a thorough and scientific investigation and study of the causes of war and of the practical methods to prevent and avoid it; the third, to be called the Division of International Law, in order (1) to aid in the development of international law, and a general agreement on the rules thereof, and the acceptance of the same among nations; (2) to establish a better understanding of international rights and duties and a more perfect sense of international justice among the inhabitants of civilized countries; (3) to promote a general acceptance of peaceable methods in the settlement of international disputes.

Dr. Nicholas Murray Butler, president of Columbia University, was appointed Acting Director of the Division of Intercourse and Education; Dr. John Bates Clark, professor of economics in Columbia University, was appointed Director of the Division of Economics and History; and the Secretary of the Endowment, Dr. James Brown Scott, was appointed Director of the Division of International Law.

Having thus determined the objects of the Endowment and created the organization to carry them into effect, the Executive Committee turned its attention to the methods to be pursued by the Endowment and by each of the Divisions to advance the cause for which the Endowment was created. It was felt that the methods were of the utmost importance, for it is a commonplace that mistaken methods not only jeopardize but discredit an ideal. Success depends in this, as in other important undertakings, upon the proper adjustment of the means to the end. After a painstaking survey of the field of past effort and existing agencies throughout the world in the interest of international peace,

the Executive Committee formulated the following conclusions, which were approved by the Trustees at the annual meeting of December 14, 1911:

(1) That it will not be wise for the Endowment to enter into competition with existing agencies or to seek to supplant them by its own direct action or by the creation of new organizations to cover the same field, but rather

(a) to give greater strength and activity to the existing organizations and agencies which are found to be capable of doing good work;

(b) to produce better organization by bringing about union in systematic relations of scattered organizations and eliminating duplication of effort and conflict of interest; and,

(c) to cause the creation of new organizations only in those parts of the field which are not now effectively covered.

The successful conduct of work of this kind requires the voluntary co-operation of great numbers of people who are moved by their interest in the cause of peace. Such co-operation cannot be bought with money, and it cannot be controlled by money. It can be greatly aided and made more effective by the judicious use of money. It would be impossible to duplicate the personnel now engaged in peace work in many directions. The continued activity of the workers depends upon the continuance of their interest, and that is largely enlisted in the organizations which they have built up, often with much labor and sacrifice. It would be an enormous waste of power to attempt to substitute new and different organizations.

(2) That a considerable part of the work of the Endowment must be prosecuted in countries other than the United States. There are many countries in which the problem presented by the proposal to substitute peace for war as the normal condition of mankind is much more complicated and difficult than it is with us at home, and there are many countries in which the ideas that we have come to regard as fundamental and indisputable have made but little progress. All true advance towards a stable condition of peace in the world must be a general advance. The chief barrier to warlike aggression is the general adverse opinion of mankind and the reluctance of nations to incur the condemnation of the civilized world by conduct which, in that opinion, is discreditable.

To render our work most effective it must accordingly be carried on in many different countries.

(3) That in carrying on our work in other countries, and especially in those countries of Europe with which questions of peace and war are much more pressing and difficult than with us, it is of vital importance that we should not present ourselves as American missionaries undertaking to teach the people of other countries how they should conduct their affairs, but that we should rather aid the citizens of those other countries who are interested in the work which tends to promote peace to carry on that work among their own countrymen, and that to all such work the first conclusion above stated applies with special force.

(4) That one direction in which work for general peace especially needs strengthening is along the line where the sentiment for peace comes into immediate contact with the difficulties and exigencies of practical inter-



national affairs. The reconciliation of the two requires knowledge of the practical side, not so much of specific international difficulties as of the underlying forces which move nations, the development of their methods and motives of action and the historical development of their relations. To make progress in this it is necessary to enlist the services of men competent to carry on thorough, scientific inquiry and to produce definite, certain, and authoritative conclusions which may be made the competent basis of education and argument, appealing to practical men conducting affairs.

It may be profitable to sketch the progress made by each of the Divisions to give effect to the fundamental purposes for which the Endowment was created.

#### I. DIVISION OF INTERCOURSE AND EDUCATION

Dr. Butler established his headquarters at New York, so that he could be in close touch with the work of his Division and personally direct its activities.

As a large part of the work of the Division would necessarily affect foreign countries and as it was essential to its success that the work in foreign countries should be done by local agencies, not by branches of the Endowment, Dr. Butler created an advisory council of representative European statesmen and publicists and a body of correspondents, so that he might be accurately informed of local conditions, and to insure that no project be undertaken in any European country of a kind calculated to run counter to national institutions, traditions and ideals. An executive committee was formed of leading members of this council, and a Bureau established at Paris to carry into effect the projects proposed by the council and its executive committee and approved by the Endowment. Dr. Butler has been fortunate enough to secure the services of Baron d'Estournelles de Constant as president of the advisory council and of the executive committee, and of Mr. Prudhommeaux, the accomplished editor of *La Paix par le Droit*, as secretary general of the European Bureau at Paris.

To diffuse information and to educate public opinion regarding the causes, nature and effects of war, the Endowment, upon Dr. Butler's recommendation, has taken measures to enlarge the contents of a select list of European periodicals devoted to the peace movement, in order that they may reach a larger circle of readers and create a public opinion in behalf of the peace movement.

To cultivate friendly feelings between the inhabitants of different countries and to increase their knowledge and understanding of one another, the Endowment has approved the three following proposals of Dr. Butler: (1) an educational exchange with Latin America; (2) an educational exchange with Japan; (3) international visits of representative men. It is unnecessary to dwell upon the wisdom and timeliness of these projects, for it is common knowledge that many of the misunderstandings existing between nations are the result of ignorance of local conditions, traditions and ideals. Personal intercourse reveals that at bottom all men are strangely alike, and personal intercourse, discussion and exchange of views lay the foundation for friendship and good understanding.

The educational exchange with Latin America has not yet been carried into effect, although progress has been made toward it.

A distinguished Japanese educator, Dr. Nitobe, spent several months in the United States as the representative of Japan, and the distinguished American author, Dr. Hamilton Wright Mabie, is at present in Japan.

In 1912 three distinguished foreigners were welcomed to the United States by the Endowment, namely, Baron d'Estournelles de Constant, Count Apponyi, and Mr. Christian L. Lange, and the Baroness von Suttner has but recently left our shores. The distinguished American educator, Dr. Charles W. Eliot, President Emeritus of Harvard University, last year visited many countries, especially China and Japan, as the representative of the Endowment.

Passing now to the agencies "deemed necessary or useful in the accomplishment of the purposes" of the Endowment, the following societies have, upon recommendation of Dr. Butler, received financial assistance to enable them to carry on the work they have undertaken and to enlarge their sphere of influence: (1) *L'Office Central des Associations Internationales*, organized by the distinguished Belgian publicist, Senator La Fontaine, and located at Brussels; (2) the *Bureau International Permanent de la Paix*, at Berne, as the recognized headquarters of the various peace societies; (3) the American Peace Society, reorganized in such a way as to be the efficient representative of the peace societies in America.

It was felt that the *Office Central* is so international in its nature and scope that it should receive direct assistance from the Endowment; that the *Bureau International Permanent de la Paix* as the organ of the peace societies should be strengthened in order to perform its work more efficiently, and that, with the same general end, the American Peace Society, reorganized and strengthened, should not only act as the medium of communication between the Endowment and the various societies in the United States, but serve as the agent of the Endowment in assisting the local societies.

The Executive Committee, as the result of the experience and recommendations of the Acting Director of this Division, has laid down the general principle that assistance shall be granted the national agencies in the Eastern Hemisphere only upon the recommendation of the Advisory Council, concurred in by the representatives of each particular country in the Advisory Council. It is believed that this principle is admirably calculated to aid the citizens of foreign countries in carrying on the work in their countries, and that it tends to bring peace workers into contact and coöperation with each other and with the practical men of affairs who mould or control international policies.

Experience has shown that many people genuinely interested in bringing about good understanding with foreign countries, nevertheless hesitate for a variety of reasons to ally themselves with peace societies. Associations for International Conciliation appeal to these classes. Therefore Dr. Butler's policy has been to strengthen these associations where they exist and to create them

where they do not. The parent association was formed by Baron d'Estournelles de Constant in 1906. An American branch, of which Dr. Butler is president, was organized in the same year; German and English associations were organized in 1912, and arrangements are in progress to create branches in South America, Canada, and other quarters of the globe. These associations, while local in origin, have nevertheless an international mission and tend to create, by their meetings and the excellent pamphlets they regularly issue, a friendly feeling toward the peoples of foreign countries.

It is expected that the Division of Intercourse and Education will popularize the scientific results of the other Divisions, and will from time to time circulate books, articles and addresses, either in the original or in translated form.

## 2. DIVISION OF ECONOMICS AND HISTORY

It was felt by the Trustees that nothing would be more productive of results than the careful, thoughtful and scientific investigation and study of the economic causes and effects of war; because, if we know the elements which have entered into and produced war, we are then in a position to consider the means and methods calculated to remove the causes and thus prevent recourse to arms. It was believed that an impartial and scientific study of the effects of war in all its phases, not merely upon the actual belligerents, but upon neutral nations, would supply information hitherto lacking, and tend to incline responsible men of affairs to the peaceful settlement of international disputes. A conference of distinguished economists and publicists was therefore called to meet at Berne, Switzerland, in August, 1911, to consider what subjects could properly and profitably be studied, and to draft the program of the Division of Economics and History. In extending the invitation to this conference, the President of the Endowment stated that "the wish of the Trustees is to utilize the second division for the purpose of a thorough, systematic, and scientific inquiry into the economic and historic aspects of war, confident that the lessons to be derived from such study will be useful to mankind. They feel that such an inquiry should be prosecuted upon the broadest international basis, and that the organization thereof is a proper subject for the wisdom of the most able and eminent economists of all the civilized nations."

The conference was attended by eighteen leading specialists, including the Director of the Division, and formulated a program dealing with (1) the economic and historical causes and effects of wars; (2) armaments in time of peace, military and naval establishments, the theory, practice and history of modern armaments; (3) the unifying influences of international life. As it seemed advisable to associate the members of the conference with the apportionment of the work outlined and with its actual execution, those attending the conference were appointed members of a permanent committee of research, to act as the agents of the Endowment in selecting competent experts to undertake

and carry to completion the investigation of the various topics into which the program is divided, to supervise the investigations undertaken and to edit the results. A large number of topics have already been assigned to specialists, some of the studies have been completed, and in the course of a few years the Endowment will have published a series of remarkable monographs dealing with all phases of the elaborate program, which will, in the language of its President, "be useful to mankind." The headquarters of the Division are temporarily at New York, and the Committee of Research, in addition to being the agents of the Endowment for the purposes specified, act collectively and individually as advisers to the Director of the Division in prosecuting the important projects it has undertaken.

Professor Kinley, who is a member of the Committee on Research of the Division of Economics and History of the Carnegie Endowment, and who takes a specially keen and personal interest in Latin America—due not only to his knowledge of its wonderful progress despite adverse and perplexing conditions, but due also to his personal observation, for he was Delegate of the United States to the Fourth Pan-American Conference—will visit South America in the very near future. His purpose will be to make the acquaintance of the leaders of thought in the domain of economics and of history; to explain to them the origin and purpose of the Division; to unfold the projects which the Division hopes to undertake, and, if possible, to secure the co-operation of our friends in South America in their execution, without which coöperation the work of the Division would be faulty and incomplete and fail generally in its beneficent purpose. I bespeak for him a warm reception and I would ask you to pledge in advance of his coming, your generous and invaluable coöperation.

With respect to this Division, my modest mission is to prepare the way for Professor Kinley. In view of these circumstances, it would be best that I explain to you in general, the aims and purposes of the Division of Economics and History, in order that you may yourselves determine in what manner and to what extent you may coöperate with and aid Professor Kinley, leaving to him the privilege of stating in detail the projects which the Division contemplates, and the large and generous part which we hope that Latin American publicists, economists and historians will be willing to take. I cannot better indicate the nature of the work which the Division is undertaking than by quoting from the remarks made by Mr. Root at the first meeting of the Trustees of the Endowment. "I think," he said—"the field of general observation upon the subject of war and peace, a general exposition of the wrongfulness of war and the desirableness of peace, is already pretty well covered. I think this Endowment will be of little use unless it does something further than that: we must do what the scientific men do,—we must try to reach some deeper insight into the cause of the diseases of which war is a symptom than can be obtained by casual and occasional consideration. That deeper insight can be attained only by long, and painful and continuous study and investigation."

These words of ripe wisdom, based upon experience, thought and reflection, apply with peculiar force to the task set to the Division of Economics and History, for to it is assigned the specific duty "to promote thorough and scientific investigation and study of the causes of war and of the practical methods to prevent and avoid it". That is to say, the study not merely of the alleged causes which have been but the pretext to ambitious and unscrupulous rulers and statesmen, but the study of the real cause, often hidden from view, to be found in the antagonisms of peoples, and in the desire for economic advantages which they do not possess and which they covet. But this study, however interesting, would be of but moderate value, even though through it the real motives were laid bare. The economic causes, and the economic effects, not merely upon the nations at war but upon neutral nations and peoples, the effects, indirect as well as direct, must be studied and made known, otherwise we cannot strike the balance between war and its cost, estimated not merely in loss of life, and in the waste of resources, but in the loss of opportunities, and the advantages of peaceful, normal and unobstructed development.

Thus expressed, the problem is not of any one country or of any one time, and Mr. Root was certainly well advised when he stated, "that the lessons to be derived from such study will be useful," and that the inquiry itself "should be prosecuted upon the broadest international basis, and that the organizing thereof is a proper subject for the wisdom of the most able and eminent economists of all the civilized nations."

Professor John Bates Clark, a distinguished economist of the United States, is in charge of the Division of Economics and History. While Professor Clark was in Europe, the Endowment took advantage of his presence there to invite a number of economists, publicists, and historians, mostly European, to meet at Berne in order to recommend an organization for the Division, and to prepare an outline of the work which it could most profitably undertake.

In the next place, the members of the Berne Conference have been organized into a permanent committee called the "Committee of Research", which committee will act, not merely as the responsible adviser of the Division, but as its agents in the execution of the programme of the work to be undertaken in all parts of the world, other than Latin America. Professor David Kinley, an ardent friend and admirer of Latin America, has been added to the committee in order that he might, through personal conference and intercourse with the leading publicists, economists and historians of Latin America, determine what form of organization would best meet the desires and assure us of the co-operation of our Latin American friends without whose sympathy and effective participation the work of the Division—so far as it relates to Latin America—could not be outlined, much less carried into execution. I may say that the organization of a committee of research for Latin America, such as has resulted from the Berne Conference, would be very acceptable to the Endowment, and to the Division.

Let me now state very briefly the program outlined by the Berne Conference, which the Division, with the constant aid and advice of the Committee of Research, is endeavoring to carry out by means of investigations of causes and conditions in the different countries, conducted by distinguished scholars and investigators of their respective countries.

At the Conference held in Berne in August, 1911, the members were divided into three principal divisions, the first dealing with the economic and the historical causes and effects of wars; the second with the question of armaments in time of peace, military and naval establishments and the theory, practice and history of modern armaments; the third with unifying influences in international life. It would require more time than I have at my disposal merely to enumerate different investigations recommended by the reports of the Divisions, which, taken together, form at present the programme of the Division's activity. Lest I deal too much in generalities, I shall mention some of the principal headings of each report. In considering the economic and historical causes and effects of war, the commission recommended the following researches:—

1. Historical presentation of the causes of war in modern times, especially the influence exercised by the striving for greater political power, by the growth of the national idea, by the political aspirations of races, and by economic interests.
2. The conflict of economic interests in the present age.
3. The anti-militarism movement considered in its religious and political manifestations.
4. The position of organized labor and the Socialists in the various states on the question of war and armaments.
5. The economic effects of the right of capture, and its influence in the development of naval power.
6. War loans provided by neutral countries,—their extent and influence on recent warfare.
7. The effects of war considered in its economic aspect.
8. The loss of human life in war, and the result of war, with its influence on population.
9. The influence of annexation upon the economic life of the annexing state and upon the state whose territory has been annexed.
10. The progressive exemption of commerce and industrial activities from losses and interference from war.

Among the topics dealing with armaments, the following questions may be mentioned:—

1. Cause of armaments.
2. Rivalry and competition in armaments.

3. Modern history of armaments, with special details from 1872.
4. Military budgets from 1872.
5. Burden of armaments in recent times.
6. Effects of preparation for war upon the economic and social life of a nation.
7. Economic effects of withdrawing young men from industrial pursuits.
8. Loans for armaments.
9. The industries of war, and a study of the munitions of war.

I fear that I cannot try even to mention the topics to be investigated, dealing with the unifying influences in international life, as these are so many, so varied, and yet so closely related that I could not hope to satisfy your curiosity without overtaxing your patience. Suffice it to say under this heading, that the effects of international production, distribution and exchange, means of communication and their result on the life, thought and development of the peoples and of the nations, will be studied.

Many of these topics are being investigated, not a few of the studies are ready for publication, and, in the course of the next few months, the selected and well-informed public to which only this kind of work can hope to appeal will be in a position to judge the Division, not merely by its good intentions, but by its skillful and, as we believe, valuable, although partial, realization.

We do not disguise from ourselves that the present effect of these studies and investigations will be slight in proportion to the effort and time lavished upon them; the problem is a large one and the path we must tread must be blazed, as it were, through a hitherto trackless wilderness; but, in the language of Professor Clark, Director of the Division,—“It may be appropriate to say that we are dealing now not with a small issue for a part of the world, but with a vast issue for the whole world, and whatever affects the outcome of all is of enormous importance. It is a greater thing to move the entire earth a microscopic fraction of an inch than to carry a shipload of soil across the wildest sea. It will be strange if, as the outcome of what is now initiated, there should not result some perceptible deflection of the movements of human force. Whatever change there is will be in the direction of peace”.

What is to be the role of Latin America in these investigations? I cannot believe that the Latin-American publicists, economists and historians will show themselves less zealous, less sympathetic, less helpful than their colleagues of the other world across the water. I would venture to predict that they will throw themselves with abandon into the breach, if I may use a military expression in discussing the ways of peace, or that, to vary the phrase, as co-workers in the field of peaceful endeavor, they will participate in its victories; for, as a noble English poet has aptly and truly said: “Peace hath her victories no less renowned than War”.

## 3. DIVISION OF INTERNATIONAL LAW

The problems which confront this Division are exceedingly important, because to it is referred the specific duty to aid in the development of international law, to establish a better understanding of international rights and duties, and to promote the general acceptance of peaceful methods in the settlement of international disputes. It appears to the Director and to the Executive Committee that too great care could not be exercised in determining the projects to be undertaken and the methods to be employed. If the relations of nations are to be conducted in accordance with principles of law, and if controversies which may exist or arise among them are to be decided in accordance with those principles, it is essential that international law as a system be developed slowly and cautiously by the coöperation of publicists in all parts of the world, in order that proposals may represent enlightened international opinion, be reasonable in themselves, and appeal to the mature judgment not only of theorists, but of the practical men of affairs into whose hands are committed the conduct of the international affairs. Therefore, before proceeding to the organization of the Division, the Director, with the approval of the Executive Committee, entered into correspondence with professors of international law in all parts of the world, with members of the Institute of International Law, with members of the Permanent Court of Arbitration of The Hague, and with selected jurists who, although not falling within any of these categories, nevertheless possessed peculiar qualifications by study or experience to pass upon delicate and difficult questions of international law.

After careful consideration of the replies received, the Endowment determined, upon the recommendation of the Director, to ask the Institute of International Law to act as general adviser to the Division, either as a body or by committee. As the result of negotiations, the Institute of International Law at its Christiania session in 1912 accepted the title and functions of general adviser to the Division, and elected eleven of its members, including its secretary general *ex officio*, as a consultative committee of the Institute for the Division of International Law. It is expected that this committee will render the greatest service to the Director by passing upon the various projects which he may lay before them and by suggesting projects which should be undertaken and carried out by the Division. It is impossible to overestimate the value of this relationship, because the members of the committee, possessing as they must, the confidence of the Institute, will neither approve nor suggest projects unless they are reasonable in themselves, calculated to further the development of international law, and of a nature to be accepted by the nations. Such a relationship is a guarantee that the Endowment through its Division of International Law will not undertake projects which may be considered Utopian. The approval of the consultative committee will of necessity be accepted as evidence that the projects are worthy of consideration by publicists and statesmen and possible



of execution. It is hoped that the relationship may prove no less agreeable and valuable to the Institute, for it will permit the execution of projects which the Institute may consider highly desirable, but which for lack of material resources might not be undertaken. The decision of the Institute to act as adviser completed the organization of the Division, just as the establishment of the Committee of Research organized the Division of Economics and History.

The Institute of International Law, founded in the year 1873, has shown itself to be the most potent unofficial agency ever created for the development of international law; and the Endowment decided that it could not make a wiser expenditure of a portion of its income than by granting the Institute a subvention, in the belief that a part of the sum could be profitably used, if it were the desire of the Institute, in meeting the traveling expenses of its members, in enabling its reporters to receive some compensation for services hitherto unremunerated, in printing the reports themselves in a manner which will make them more widely useful to teachers, students, the profession, and the reading public, and in permitting the execution, under the supervision of the Institute, of projects which it might desire to undertake. The subvention, however, is without conditions, as the Institute is best qualified to determine the most profitable use to which the subvention could be put.

The American Institute of International Law, founded in October, 1912, will, it is hoped, render useful service in the development and popularization of international law in the Western Hemisphere, even though less conspicuous than that which the Institute of International Law has rendered to the world at large. As the policy of the Endowment is not to create agencies of its own but to assist existing instrumentalities, no financial aid of any kind has been asked or received by Mr. Alvarez and the Director of the Division, through whose initiative the American Institute was founded. It is mentioned in this connection because it is an agency calculated "to aid in the development of international law," and for the further reason that the president of the Endowment has accepted the honorary presidency of the American Institute, and the Director was one of its founders.

There are many ways to establish a better understanding of international rights and duties and a more perfect sense of international justice among the inhabitants of civilized countries. A beginning has been made, modestly and cautiously; and only such projects can be undertaken in the first instance as unmistakably fall within this requirement of the Division and are calculated directly to accomplish the immediate purpose. The Institute of International Law seeks to develop the law of nations by discussing important questions and giving them the form of treaty or statute. That this is an eminently practical method is shown by the fact that the opinions and resolutions of the Institute have appealed to men of affairs and many of them are already firmly imbedded in the actual law of nations. It did seem possible, however, to consider the

rights and duties of nations from a more systematic, theoretical, and at the same time broader point of view.

A proposal was made at the Second Hague Peace Conference to create an academy of international law, and it was commended by the President of the Conference. No action was then taken, but the idea has commended itself to publicists of many nationalities. A committee of Dutch publicists, under the presidency of Mr. Asser, suggested that such an academy be created and installed in the Peace Palace at The Hague. The Permanent Court of Arbitration would apply the law which had been systematically expounded in the academy, and the magnificent building would indeed become a temple of peace. Mr. Asser's proposal contemplates systematic instruction, during the summer months, in international law and cognate subjects by a specially constituted and changing faculty, to be chosen from publicists of different countries. Formal courses of lectures on important and timely subjects would be given by publicists who, in addition to theoretical training, have had large experience in the practice of international law. Seminars, under the direction of the regular professors, would be created for the detailed and exhaustive study of certain phases of international law and international relations. The courses would be open to students of all countries who possess the necessary qualifications, and who would be able to attend and to profit by the instruction given, as it would be during the academic vacation. It is also proposed that the governments should be interested in the academy and invited through diplomatic channels to designate appropriate officials of various branches of the governmental service to attend the academy. The institution would be unique in its summer sessions, unique in its small and changing faculty, and unique in its student body drawn from foreign countries and from official classes. The lectures, published as monographs, would enrich the literature of international law; the law itself would be treated from various points of view and by competent teachers, of whom but one at a time would be selected from any country. The student body would be drawn from various countries and in the course of time would exercise influence in the home countries, so that the academy would be eminently helpful to establish a better understanding of international rights and duties, and to disseminate the principles of justice. The Carnegie Endowment has approved the academy in principle, and stands ready to grant financial assistance when the plans are sufficiently matured. The academy would, if organized, be a separate and independent institution, under the control of a specially appointed committee or curatorium composed in the first instance of past presidents of the Institute of International Law. Thus organized and operated, it would advance the work which the Carnegie Endowment is created to further, but it would not be a direct agency of the Endowment or under its control.

The existing journals of international law tend to establish a better understanding of international rights and duties, and an increase in their circulation

will increase their influence, popularize international law, and show by concrete example how its principles determine questions of international rights. For this reason the Endowment, upon the recommendation of the Director, has granted subventions, either of money or subscriptions, as the journals preferred. This assistance will enable the journals to appear more regularly, guarantee their continued existence, enlarge and strengthen their contents, and enable their contributors to receive some compensation for the time and labor they have generously given, without any reward other than that which comes from good deeds.

It often happens that excellent contributions are made to international law in languages little read or understood beyond the country in which they are published, and it is believed that the cause of international justice would be advanced by the translation of such works into languages more widely used. Therefore the Director has proposed, and the consultative committee of the Institute has approved, the translation of works of this character into some one or more better known languages, so that the international lawyer who may not be a linguist and students and scholars in all parts of the world may have the advantage of reading and studying them. At the same time it would be highly useful to have original works prepared dealing with certain phases of international law which deserve special treatment. This is a more delicate matter but it has received consideration. The Endowment does not contemplate going into the publishing business, but feels that it may materially aid authors to produce treatises or monographs of the kind specified, and thus render no inconsiderable service to the cause of international law and international justice.

Periodicals and treatises of international law appeal to the reader, but the hearer should not be overlooked. Therefore the Director has proposed that distinguished foreign publicists be invited to the United States to deliver courses of lectures on certain phases of international law in universities and colleges of the United States. In this way it is believed that the foreign points of view will be made very clear and that, if successfully carried out, teachers of international law will be brought into personal relations, and by the exchange of views a better understanding of international rights and duties created.

A fundamental purpose of the Division is to promote the general acceptance of peaceable methods of settling international disputes, and it is believed that the best way to show what can be done in the future is to make clear what has been done in the past. Therefore the Division is now engaged in collecting for publication all known general and special treaties of arbitration. This is a long and difficult task, and it has been thought advisable to begin with the modern period, that is to say, with the Jay Treaty of 1794 between Great Britain and the United States. This part of the work is nearing completion, after which the earlier treaties will be prepared for publication. This collection will enable publicists to see to what extent nations have been willing to bind themselves to arbitration, and the various forms of existing treaties will be placed at their disposal. For like reason, all known instances of arbitration are to be collected and pub-

lished in the form of judicial reports, and the series will be continued indefinitely. The well-known authority on international law and arbitration, Professor John Bassett Moore, of Columbia University, has undertaken this monumental work and is actively engaged upon it.

The existence of the Permanent Court of Arbitration at The Hague, the adoption of a prize court convention, although the court itself is not yet established, and the approval by the Second Hague Peace Conference of a truly permanent court of arbitral justice composed of judges, lead to the conclusion that differences between nations will be more frequently submitted to arbitration, preferably judicial decision, in the future than has been the case in the past. It seems therefore desirable that we know from concrete instances the questions involving international law which have been submitted to and decided by courts of justice. This becomes especially important, if judicial decision is to supplement arbitration in some cases and to supersede it in others; for until the nations have confidence in judicial decision and its possibilities, they will hesitate to have recourse to it. The Director has therefore proposed that the decisions of English and American courts of justice, in so far as they concern international law, be collected and edited, as are the law reports of Great Britain and the United States. The decisions will not only be valuable in themselves,—for the judgments of Stowell, Marshall and Story are classics of international law,—but will show the careful and cautious manner in which international law has been interpreted, applied and developed by courts of justice, and will furnish safe precedents for international courts to follow. The decisions of continental courts should likewise be collected and published; but it has seemed best to make a beginning with English and American decisions. The Director has recommended, and the Endowment has approved, the project for the collection and publication of present and future decisions of national courts turning on points of international law; but this recommendation is in the nature of a proposal, as it is believed that the experience gained in the collection and publication of English and American decisions will render the larger project easier to realize.

As in the case of periodicals, books and treatises dealing with certain phases of international law, it is the intention of the Endowment to encourage the preparation and distribution of various works dealing with the pacific settlement of international disputes. By way of example, the Endowment has subscribed for a considerable number of copies of the *Recueil des Arbitrages Internationaux* of Messrs. de Lapradelle and Politis, and has made arrangements to place them in libraries and institutions of foreign countries, so that they may be brought to the notice and attention of the public that should be interested in publications of this kind.

From this account of the Carnegie Endowment for International Peace it is clear that it is taking its mission seriously; that it regards itself as a scientific

institution of research rather than a peace society in the technical sense of the word; and that by the investigation of the causes and effects of war and the publication and wide distribution of these investigations, and by the material encouragement which it extends to institutions, agencies and workers in the same field, it may safely be counted upon to render conspicuous service in the great cause for which it was created.

## 2. Associations for International Conciliation

A distinguished French publicist said some time ago in the course of a conversation that he was opposed to the establishment of new Societies, that we had so many that it was almost impossible to name them, much less to take part in their proceedings, that he belonged to so many that he hardly had time to devote to any of them. This was perhaps the language of exaggeration, and yet there is much truth in it. It would seem a better and wiser course to strengthen existing societies than to create new ones for slightly different or allied purposes. This is pre-eminently the point of view of the Carnegie Endowment which makes a point of aiding existing societies instead of creating new agencies.

There are many Peace Societies which do much good, and it cannot be doubted that the foundation of others in quarters where such Societies do not exist would tend to strengthen the sentiment in favor of peaceful settlement, where it exists, and create it where it does not exist. But I should like to call your attention to societies of a different kind—broader and yet narrower in their scope than the Peace Societies; broader in the sense that they aim to take in all persons believing in peaceful settlement, narrower in that they do not propose ordinarily specific methods of advancing the cause of international peace. They seek to promote good understanding in the belief that good understanding is of itself the high road to international peace; although engaged in the work of propaganda, their methods are conciliatory, not aggressive, and they are not inaptly called by their founder, Societies for International Conciliation.

But why, you may ask, start a new Society when I have already indicated in my opening sentences a certain hesitation on the subject? The reason is that a Society for International Conciliation is a Society of a different kind from the Peace Society properly so-called, and that the formation of National Societies of International Conciliation would not duplicate existing Associations nor enter into competition with them. Again the truth is that there are many people who believe in cultivating a friendly understanding between nations, and who are ardent partisans of the peaceful settlement of international disputes, but who, nevertheless, hesitate to ally themselves with Peace Societies properly so-called; and it is interesting and instructive to know the reasons why highly intelligent persons in favor of peaceful settlement feel unwilling to enroll themselves as members of Peace Societies.

There seems to be an impression in the popular mind, doubtless erroneous, that Peace Societies stand for peace at any price; that they are not patriotic, or that they are inconsistent with a sound and robust patriotism; that their projects for bringing about international peace, although many and varied, are fanciful

and impracticable, and divorced alike from reason and experience, so that their remedies, which taken together make up pacifism, are regarded as Utopian.

Now I would not have you think I share these views or that in quoting this criticism, I concur in it. It is a fact, however, that very many estimable people in my own country and in foreign countries hesitate to connect themselves with Peace Societies, because, by so doing, they feel, at least they express themselves as feeling, that they are committed to the various projects of the Peace Societies, and that, by allying themselves with them, they subject themselves to the criticism to which the pacifists are exposed. The feeling, it seems, is somewhat general that Peace Societies are hortatory, not constructive, and that they make their appeal to human emotion; that their members are generally, though not exclusively, recruited from emotional elements; that such societies strengthen the belief, it may be, of those who are already converted, but that they do not make an appeal to the strong, hard-headed men of affairs, who, after all, do the world's business.

On the other hand, it appears, that very many of those who, for one reason or another, hesitate to ally themselves with Peace Societies, technically so-called, seem to be not only willing, but, in many cases, anxious to join societies of a larger and broader nature, which aim to promote good understanding between nations, international conciliation and peaceful settlement of disputes.

It has been said that, between the spirit of pacifism and the spirit of peaceful settlement, which may be contrasted in French by the two phrases "*l'esprit pacifiste*" and "*l'esprit pacifique*", there is the difference between Utopia and reality, and that the partisans of pacifism, instead of serving the cause of peace, are, in reality, an obstacle to its realization and retard its progress.

Let me relate a few concrete instances which may tend to support the present distinction. A distinguished Japanese publicist well and honorably known by his activity in the Peace movement, says that "Peace" or "Peace Society" is the one word or expression which must not be used in Japan, because the single word, or the phrase of which it is a part, conveys a false notion to many of his countrymen, who, nevertheless, are heartily in favor of peaceful settlement, international good-will and conciliation.

A distinguished English philanthropist, who has given considerable sums of money to the Peace movement, and who believes in the movement, and in the possibility of its realization, has asked if it is really necessary to mention the word "Peace" in connection with the movement, stating that in his experience the word conveyed an unfavorable impression.

Another illustration shows the possibilities of a broader movement in a country in which Peace Societies, at least at present, do not thrive. Within the past year, a Society for International Conciliation has been started in Frankfort, Germany, and has enrolled in its membership many of the most distinguished names in the scientific, literary, industrial and academic world, including professors and teachers of international law. These gentlemen are strongly in favor

of peaceful settlement, recommend conciliatory attitudes on international questions, and labor in their respective spheres to promote good understanding between and among nations. Yet they are unwilling to join Peace Societies.

It is not, however, for us to criticize. It is better for us to recognize the fact—and it is a fact—that many estimable people find it possible to work through Peace Societies, whereas just as estimable people find it impossible or undesirable to work in or through Peace Societies. It seems the part of wisdom to recognize these different classes of people and to start organizations which will serve as a rallying point for believers in international good-will and conciliation, who otherwise might take no part in the movement which is bringing nations closer together and which have for their fundamental principle to clear up misunderstandings and, by friendliness and good-will, to advance the cause of peace.

The first Society of International Conciliation was started by the Baron d'Estournelles de Constant in Paris, and it is not only the parent but the model of the branches which have been organized in other countries. Baron d'Estournelles, it need hardly be said, is strongly in favor of peace, and yet he is a loyal, broadminded, patriotic citizen of France. He recognizes a two-fold form of patriotism: the patriotism which serves the country on the battlefield in case of need, and the patriotism which keeps nations from going to war when war is not forced upon them. "True patriotism", he says, "consists in properly serving one's country. It is not enough to be ever ready to defend it; it is necessary as well to steer it out of complications, to spare it needless burdens, and to promote, through peace, its energies, resources, and trade. Our two-fold program has in view to stimulate home activity under the safeguard of good foreign relations".

In the constitution of the original Society of International Conciliation, the object is thus stated:—"The Association, bearing the name 'Conciliation Internationale', aims to develop national prosperity under the auspices of good international relations, and to organize these good relations upon a permanent and enduring basis". Among the principal agencies, by means of which the Society proposes to realize its object are the following:—Education of public opinion; development of arbitration; correction of misleading news; an international magazine; publications; lectures; congresses; conferences; exhibitions; cultivation of foreign languages; exchange of international visits between scientific, artistic, professional, and workmen's associations and other agencies of a like kind. The Association founded by Baron d'Estournelles de Constant for the stated purposes has been very successful, and numbers among its members many of the most distinguished citizens of France and of foreign countries. A small pamphlet, aiming to promote good understanding, and dealing with timely questions as they arise, is issued at irregular intervals.

An American branch of the International Conciliation has been founded in the United States by Dr. Nicholas Murray Butler, President of Columbia University. The aims and purposes of the branch are practically identical with those of the parent Society of Paris. In the matter of the bulletin or pamphlet which appears



monthly, Dr. Butler has been able to obtain some of the best known and most highly appreciated writers, not only in the United States but in foreign countries, and these pamphlets, distributed gratuitously to leaders of opinion and persons interested in conciliation, are highly appreciated, as instructive as they are useful, and have done very much by their timeliness, the excellence of their style, and their pleasing effect to foster friendly relations and to remove misunderstandings. Dr. Butler has made it his aim to send the publications only to people who are interested in the movement or who, if interested, would contribute to its advancement; he has conferred with his friends and from them obtained lists of people interested, and these in turn have supplied other names, so that to-day he has a mailing list of more than 78,000 names of responsible people in the United States of America and Canada to each one of whom a monthly pamphlet is sent.

Recently—indeed, last year—a German Society was formed at Frankfort under the charge of the distinguished lawyer, Dr. Nippold, whose book on the development of procedure in international conflicts is a masterpiece, and is likely to become a classic. More recently still—indeed, in the present year—an English branch has been started under the presidency of Sir Vezey Strong, formerly Lord Mayor of London. A Canadian society is in the process of formation, and I should be very happy, indeed, if through my personal endeavors, branch societies should be formed in the countries which I have the honor of visiting in South America.

It may probably be asked: What is the relation between the original Society and the branches? And, in reply, I beg to quote the language of Dr. Butler, who is President of the American Branch, of whose Executive Committee I am happy to be a member: "While," he says, "the Paris society is the parent branch, there are no legal relations between it and the various other branches. All work together in friendly co-operation and sympathy, and each provides the others with materials and suggestions for publication and propaganda". And in speaking of what he hopes to be the result of my mission, he says: "We should want the branches in Latin American countries, if organized, to stand in precisely the same relation to the Paris Society that the other branches now do: in other words, we use the same motto, the same imprint, and we look to the Paris Society as the parent founder."

From this very brief and inadequate account it is to be seen that while the societies co-operate and work in harmony, and regard themselves as affiliated with the parent Society in Paris, each branch is in reality a separate and independent society, and conducts its operations in such a way as best to appeal to the public which it seeks to interest and to influence. The most important officer of the Society is the Secretary, who practically conducts the Society under the control of the Executive Committee.

We cannot, however earnestly we may try, greatly advance the cause of international peace at any time, but we cannot hope to accomplish anything by folding our hands and dreaming of a better and happier state of affairs. We must do the

work we find at hand in the hope that every effort counts, although we may not ourselves see the result. International peace will come, for it is the wish of the enlightened in all countries; but it will come slowly, as we have to overcome a habit of mind, a method of procedure deeply embedded in our history. We have the consolation of knowing that what comes slowly endures, and the conservatism which makes it difficult to change will, when we have accomplished our purpose, secure and maintain the results of our labors. One cannot work in vain in a good cause, and nothing can assuredly be nobler than to remove misunderstandings, to establish relations of mutual confidence, and prepare the way for a brighter and happier future.

### 3. The Proposed Court of International Justice

We are so accustomed to look upon international law as a universal system of law, accepted by each and every member of the Society of Nations and applied by all in their foreign relations, that we would be shocked by the statement that, however universal it may be in theory, it is far from universal or uniform in its practical application. If a conflict of a purely legal nature arises between any two nations, we find an appeal made to the law of nations which either does, or is supposed to apply to and to be decisive of the controversy. One nation lays down a principle as admitted law; the other denies the existence of the principle, or questions its applicability to the dispute, or, admitting the principle and its applicability, interprets it as self-interest suggests or dictates. Few principles are so clear as not to admit of different interpretations, and the facts may be and often are presented in such a way as to withdraw them from the category of cases to which an admitted principle ordinarily applies or should be made to apply. Take, for instance, without dwelling upon it or seeking to determine which view is right or wrong, the doctrine of the "favored-nations-clause," the existence of which is universally admitted, but which is interpreted one way by many nations and another way by the United States; or the doctrine of blockade, which is admitted, but which is interpreted and applied in one way by the nations of Europe, and another way by Great Britain and the United States. It is admitted that the favored nation clause exists, just as that a law of blockade exists; but the content of the law or its interpretation differs. The practice of nations varies to-day just as it has varied in the past, and uniformity in theory is in reality diversity in fact. To be convinced of the extent of the variation that exists both as to the content and form of the law, and its interpretations and application, we need only to consult authoritative treatises on international law written by equally skilled and conscientious authors of different nationalities. When the authorities agree, we may look upon the principle as established; when they differ, who shall decide? In the Society of Nations all are equals, and there is no superior. If an International Court of Justice existed, as courts of last resort exist within the nations, the question could be settled by judicial decision; but no such court exists, and special tribunals of The Hague or mixed Commissions only bind the nations which are parties to them, not the nations at large, which are unaffected by the decision. Each nation is thus thrown upon itself, and judges according to self-interest or the passions of the moment; and a failure to accept the contention of one, for both contentions cannot be accepted, may lead to a rupture of friendly relations and plunge the nations

into a war which seems to be justified at the moment, but which is condemned by the bar of history, which is the final judge of nations, be they large or be they small.

The Peace Palace at The Hague, which was opened on August 28 last with imposing ceremonies, is the permanent home of the Court at The Hague, and is a visible and eloquent evidence of the fact that the legal disputes of individuals should be settled by that due process of law which exists in every country that makes a pretence to civilization. And yet, however firmly we may cling to the illusion that a court exists, and however much we may speak of a permanent court at The Hague, we know, or at least should know that no permanent court exists, except in name; that there is only a panel or list of judges from which a special or temporary tribunal can be formed for the trial of a case which comes into being for the case, and goes out of existence with its decision; that the decision only binds the litigating nations which were a party to the controversy and its settlement; that it is not a precedent except as between the nations; that it does not bind a subsequent and special tribunal of the same or of different arbiters; that the decision is often a compromise of a conflict which diplomacy has failed to settle, and that as a compromise or as a decision between two nations, it cannot develop international law in that careful and conscious, impartial and passionless, systematic and scientific method in which national jurisprudence is developed.

To those who have made a careful study of the process by which law and order have been developed within national lines, it is evident that law and order between nations will be developed by the play and interplay of the same forces at work upon a larger scale and in a larger field; for the nations of the world are but the people of the world arranged in more or less artificial groups; and that the experience and practice of each must produce, in the course of time, approximately like results. International peace is thus seen to be conditional upon the growth of law between peoples, its interpretation and its application by apt agencies between nations as between individuals, with such modifications as differences of conditions suggest or require. Let us take a single and simple illustration. As there is no superior in a society of equals it is difficult to see how an international court can be armed with the power of execution, or how nations will allow any nation or any combination of nations to execute a judgment when the use of force in the past has been so productive of evil and can so easily give rise on the part of the nation or the group to claim and exercise a right which may be destructive of the equality and independence of nations, without which international law, as the law of equal and independent nations, is impossible, if indeed, it be conceivable. Fortunately, international decisions have been observed without exception, as the submission to arbitration involves compliance with the decision and the good faith of the nation suggests compliance, even if the self-interest of the moment or *amour-*

*propre* suggested non-compliance. We do not need to trouble ourselves with a difficulty in theory which does not present itself in practice, or question the possibility and efficiency of an international court simply because it lacks a supposed essential of a national court of justice, which history shows is a growth and a matter of convenience, not an essential prerequisite of judicial procedure, or its necessary or inevitable consequence.

It might have been said in 1794 when the Jay treaty was negotiated between Great Britain and the United States, that the settlement of international disputes by means of Mixed Commissions was impracticable, if not impossible; but the successful decision of important and perplexing questions between the two countries, by means of the Mixed Commission organized under Article 7 of that Treaty, showed beyond peradventure the possibility and feasibility of such a method. It might have been said that the mixed commissions or temporary tribunals were only fitted to determine minor or unimportant questions, or that important questions would not be submitted to arbitration unless Great Britain and the United States had submitted to the Geneva Tribunal the so-called Alabama Claims, which at one time aroused the passions of the two countries and threatened to provoke war.

And finally, it might have been maintained with some show of reason that questions could not be arbitrated if the law were doubtful or non-existent, unless the Treaty of Washington, of 1871, had not shown how comparatively easy it was to lay down principles of law, the so-called three rules, for the settlement of claims, if only the nations really wanted to settle their disputes by an appeal to reason. For it is and always has been true, as Secretary Root said, on laying the corner-stone of the Pan-American building at Washington—an earlier and not less imposing Temple of Peace—"the matters in dispute between the nations are nothing: the spirit which deals with them is everything."

When, therefore, the First Peace Conference met in 1899 in The Hague—the birthplace of Grotius, the first systematic expounder, if not the founder, of International Law—nations had the experience of a century in the settlement of controversies, often of a perplexing, sometimes of an acute nature, and it is not unnatural that they should commend arbitration of questions "*d'ordre juridique et en premier lieu dans les questions d'interprétation ou d'application des Conventions Internationales comme le moyen le plus efficace et en même temps le plus équitable de régler les litiges qui n'ont pas été résolus par les voies diplomatiques.*"

It was also natural and highly beneficial that the Conference should draft a code of arbitral procedure based on the practice and experience of the century, especially as the Institute of International Law had, as far back as 1874, drafted such a code of procedure which many consider as superior to the code of the Conference based upon it.

But the Conference did more than this: it created machinery consisting of a panel or list of judges from which a temporary tribunal could be formed for

the trial of a case. It did not make a small and select list of persons who would form a court, which the parties in litigation agreed in advance to accept. If it had done this, it would have created a court, not merely the machinery for the creation of a temporary tribunal.

What it actually did will be seen from the following quotations from the "*Convention pour le règlement pacifique des conflits internationaux*."

#### ARTICLE 23

Within the three months following its ratification of the present Act, each signatory Power shall select four persons at the most, of known competency in questions of international law, of the highest moral reputation, and disposed to accept the duties of arbitrators.

The persons thus selected shall be inscribed, as members of the Court, in a list which shall be notified by the Bureau to all the signatory Powers.

Any alteration in the list of arbitrators is brought by the Bureau to the knowledge of the signatory Powers.

Two or more Powers may agree on the selection in common of one or more members.

The same person can be selected by different Powers.

1899

The members of the Court are appointed for a term of six years. Their appointments can be renewed.

In case of the death or retirement of a member of the Court, his place shall be filled in accordance with the method of his appointment.

This supplied the nations with a panel or list of possible arbiters. The next quotation shows the method by which the temporary tribunal for the trial of the case was to be formed:

#### ARTICLE 24

When the signatory Powers desire to have recourse to the Permanent Court for the settlement of a difference that has arisen between them, the arbitrators called upon to form the competent tribunal to decide this difference must be chosen from the general list of members of the Court.

Failing the direct agreement of the parties on the composition of the arbitration tribunal, the following course shall be pursued:

Each party appoints two arbitrators, and these together choose an umpire.

If the votes are equal, the choice of the umpire is intrusted to a third Power, selected by the parties by common accord.

1899

If an agreement is not arrived at on this subject, each party selects a different Power, and the choice of the umpire is made in concert by the Powers thus selected.

The tribunal being thus composed, the parties notify to the Bureau their determination to have recourse to the Court and the names of the arbitrators.

The tribunal of arbitration assembles on the date fixed by the parties.

Finally, an administrative council consisting of the diplomatic agents at The Hague was formed to organize an international bureau to act as a *greffe* for the Court and to supervise its operations.

We have here machinery for the creation of a temporary tribunal; we do not have a court in the proper sense of the word, much less a permanent court, although, with pardonable exaggeration, the Conference called the machinery such. In so doing it familiarized the public with the name and the ideal of a permanent court but made it difficult to create a truly permanent institution, for we are so much the slaves of words that we have almost persuaded ourselves, even the wisest among us, that a permanent court exists, so that, when we advocate the establishment of a truly permanent tribunal, with a definite and permanent corps of judges, we are met either with indifference or with the question: Why create another permanent court when one exists already?

At the Second Hague Conference to which, fortunately, Latin America was invited and attended—due to the statesmanship and insistence of Senator Root, for how can a Conference be truly international and legislate *ad referendum* for all the nations when all the nations are not represented?—an attempt was made to constitute alongside of the so-called permanent court, a truly permanent tribunal, composed of judges acting under a sense of judicial responsibility, to use the happy phraseology of Mr. Root who, as Secretary of State, instructed the American Delegation to present and to urge upon the Conference the creation of a permanent international court in the strict sense of the word.

The necessity of such a tribunal appealed to the judgment of many members of the Conference, and Monsieur Bourgeois pointed out in a masterly and convincing manner how the so-called permanent court could properly and advantageously be used for questions of a political nature, composed, as it would be, of arbiters chosen for the special case, in whose wisdom the parties in dispute had peculiar confidence,—whereas a truly permanent court in the judicial sense of the word could be formed for the trial of cases of a legal nature. The purpose was not to supersede the so-called permanent court, but to erect a truly permanent tribunal alongside of it, thus endowing the nations with two agencies of peace, and leaving them free to use one or the other as they might prefer, or as the nature of the case might suggest.

After much discussion and debate, turning largely on the method of selecting the judges, a draft convention was adopted consisting of 35 articles dealing with the organization, the competence and procedure of the Court of Arbitral Justice, as the new institution was to be called. Owing to the inability to hit upon a generally acceptable method of selecting judges, due no doubt to lack of time and the difficulty of the subject, the convention was adopted; but the definite establishment of the court was referred to the nations, which, it was hoped, would be able to reach an agreement upon this necessary detail through diplomatic channels, as appears from the language of the resolution or *voeu*. It is thus evident that

great progress was made towards the creation of a truly permanent court similar in its general nature to national courts of justice.

The project has been approved by publicists of all countries, and at the session of the Institute of International Law held at Christiania in 1912, the proposition was unanimously approved by that body, and the establishment of the court recommended after prolonged and profound discussion. The subject will doubtless appear in the programme of the Third Conference, and it is hoped and believed that the court so long and so earnestly desired will take its place in the Peace Palace as the Court of the Nations.

I do not offer suggestions as to the composition of the court, or as to the method of selecting the judges. I merely call your attention to the fact that the project stands approved by the Conference of the nations, by the most accredited publicists, by the Institute of International Law and by public opinion irrespective of nationality, and I ask you to give attention to the problem of selecting the judges, and to call the attention of Governments to it, for it must be solved, and it cannot be solved without the most careful thought and consideration of the best minds of the world. In the final solution of the problem, Latin America has a right to be heard, and it is the duty of our continent, composed of twenty-one republics, almost a half of the nations invited to and participating in the Conference to express itself clearly and unmistakably not in the interest of any one nation, nor of any one continent, but in the interest of the world. I like the fine and impressive phrase of the enlightened President of Argentine: "L'Amérique Latine"—I would rather phrase it—"L'Amérique toute entière—pour l'humanité."

Even though fearing to prolong this article beyond its proper bounds, I should like to make certain observations to show that, if history is read aright, the creation of a Court of International Justice is inevitable. The partisans of arbitration in place of judicial proceedings in the strict and technical sense of the word, seem to regard arbitration as the culmination of a long and tedious development and to believe that no further advance should be attempted, when in reality arbitration is only a step, an important step, it is true, in the transition from the period when complainants knew only self redress to the period of judicial proceedings. The reader should not be surprised at our failure to note the historical relation between arbitration and judicial proceedings, since the juriconsults of the Roman Empire themselves regarded arbitration not as the source of their judicial institutions but as a modification of those institutions. Nevertheless, modern jurists have shown that among the early inhabitants of the European continent those who were dissatisfied resorted to self redress, from which sprung the custom of submitting controversies to a third party for decision, and this method became general, the parties choosing by common accord the person who should act as judge or arbiter. Students of Roman Law have shown that the same system prevailed in Rome, and that, by means of a long and slow development, the settlement of disputes by arbitration gave rise to judicial pro-



ceedings and culminated in the establishment of a permanent judicature. In this way the parties to a controversy agreed to submit it to arbitration; they also agreed on the designation of a judge who was not a public official but a private individual and whose award was not an act of state but merely the opinion or sentence of a judge or arbiter, enforceable by the parties who had agreed in advance to abide by it. In process of time a panel or list of judges was drawn up, from which panel or list, called the "Album Judicum," the parties should choose the judge or arbiter for each case as it arose, until finally in the reign of Diocletian, the magistrate was substituted for the private judge or arbiter, whose decision became an act of state and was enforced as such. The analogy between the development of that system of jurisprudence which either governs or influences the larger part of civilized nations and the development which is taking place between nations, is almost too obvious for comment. Nations in dispute have redressed and unfortunately, even at the present day, do redress their real or supposed wrongs by force of arms. A sentiment has been developed which condemns unlimited or unrestricted self redress, so that nations frequently agree by treaty or convention, which is nothing more or less than a contract, to submit controversies, especially if they are of a legal nature, to judges of their own choice. In 1899 the First Hague Conference followed, unconsciously it would seem, the precedent of Roman Law by creating a panel or list of judges—the modern "Album Judicum"—from which the parties in dispute should select the judges or arbiters of the individual case; and at the Second Hague Conference an attempt was made, as I have already said, to take the last and final step in this unconscious development by creating a truly permanent court. It is thus seen that arbitration is not an end in itself, but a means to an end, and that historically and logically it developed a judiciary and judicial procedure.

Did time permit I might show that machinery for temporary tribunals or commissions between nations has proved unsatisfactory either in the long or the short run and that such machinery has been replaced by permanent judicial tribunals. Thus the three Cantons which formed the nucleus of the Swiss Confederation agreed in 1291 to submit their disputes to the arbitration of self appointed arbiters who possessed the confidence of the community. In the next century the Cantons agreed to submit their disputes to arbiters of their choice and adopted from time to time various methods of selecting the judges to form the temporary tribunals. In 1848, the system of arbitration by temporary tribunals was replaced by a permanent Federal Tribunal.

A distinguished Swiss publicist, M. Dubs, points out the advantages of this permanent tribunal over the system which he aptly calls "Tribunaux de hasard."

Among other things he says:

"On institue le juge pour toute une série de cas, sans égard à une cause spéciale; ceux qui le nomment sont tout à fait impartiaux; ils peuvent peser

avec soin ses qualités morales et ses capacités techniques; on introduit un ordre fixe dans la procédure, une tradition dans le jugement au fond, et la clarté dans l'exécution."

Let me also cite the example of the United States. By the Articles of the Constitution of 1778, the States of the Union provided for the settlement of disputes of all kinds that might arise between them, by the appointment of temporary commissions. As a matter of fact, certain disputes were submitted to tribunals thus organized but the procedure was unsatisfactory. The Supreme Court of the United States, created by the Constitution of 1787, was therefore invested with the power to examine and to decide disputes between the States, and this system has been so satisfactory that we are at a loss to understand the objections which are made to the settlement of disputes between nations by judicial tribunals composed of judges acting under a sense of judicial responsibility.

Lest it be said that the formation of a permanent Tribunal is only possible in a confederation such as Switzerland and in a Federal State such as the United States, I hasten to call your attention to the fact that the establishment of an International Court of Justice in no wise depends upon a federation of states. It only requires a public union for a judicial purpose. Of public unions, there are many examples, the most striking of which is perhaps the Postal Union to which all nations and self-governing Colonies are parties, with a bureau in case of need to pass upon disputes which may arise between or among the parties of the Union. It is thus clear that history points to the development of arbitration within national lines into a judicial procedure; that the experience of nations which have had temporary tribunals has led them to discard this machinery for the more satisfactory, more impartial, less expensive and more expeditious method of settling disputes of a legal nature which may arise between their Cantons or States, by a permanent Tribunal whose decision binds every Canton and State. The various public unions for a particular purpose, of which there are some fifty or more, show that a union of this kind is compatible with the independent existence of nations.

If history is with us, the future is assured. We can safely follow the experience of nations, for in this instance we are not taking "a leap in the dark," but we are acting consciously with full knowledge of the difficulties of the old system, the advantages of the new, and with the experience of the past and present as a guide.

#### 4. The Proposed Academy of International Law at The Hague

At the Second Hague Peace Conference to which every American State was invited and in which every American State, with two exceptions, participated, a proposal was made by Mr. Sturdsa, then the Prime Minister of Roumania, to establish an Academy of International Law at The Hague which would, as its distinguished proposer said: "in a methodical way, maintain science on a level with the principles enunciated by the Conference, and practice on a level with the progress inaugurated". To effect this noble and beneficent purpose, Mr. Sturdsa proposed that the members of the Academy be chosen from among the most eminent scholars, university professors, and jurists of all countries, men whose ability is recognized in the various branches of international law, private international law, the law of war, comparative commercial law, commercial systems and economic relations, colonial systems and the history of international law.

The Academy was to be international in the further sense that the instruction offered was to be given, without discrimination, in German, English, French and Italian, for three or four months of each year, preferably during May, June and July. The student body was to be made up of diplomats, army officers and persons serving in the higher administrative departments of the State, and scholars to be selected by each State, party to the creation of the Academy. The expenses were to be borne by such nations, and the Academy was to be under the control and the supervision of the permanent administrative Council of the Hague, composed, as is well known, of the diplomatic representatives of the different countries accredited to The Hague.

This proposal of Mr. Sturdsa was contained in a letter to the President of the Conference, who read both the letter and the proposed constitution of the Academy appended to the letter. He gave his hearty approval to the project and expressed the hope that the suggestions would inspire some generous benefactor with the desire to follow the example of Mr. Carnegie and to immortalize his name by connecting it with an establishment which will do great service to the cause of peace and ensure justice by contributing to the spread of its principles and to the instruction of worthy laborers in that field.

No action was taken by the Conference on Mr. Sturdsa's project, but the letter and the proposed constitution of the Academy were embodied in the records of the Conference and are published in its official proceedings. The idea, however, has not been lost sight of, and a Dutch Committee, under the presidency of the late Mr. Asser, was formed in order to interest the Carnegie Endowment and if possible to obtain from its funds the money necessary to support the Academy. The Endowment has approved the idea in principle and has expressed itself as willing to furnish the means necessary for its installation in the Palace of Peace,

in which quarters are to be provided for it, as well as for the expenses necessarily required for its successful operation, provided it should appear,—

(1) That there was a general desire among the nations for its establishment, and

(2) That the nations should evidence their interest in its creation by designating one or more of its officials to attend and profit by the course of instruction.

The reason for this hesitation on the part of the Endowment is obvious, for we should strengthen existing institutions rather than create new ones, unless their need or their usefulness be clearly demonstrated.

These views were made known to Mr. Asser, who communicated with the leading publicists of Europe, from whose replies it appeared that there was a general—indeed, one might almost say, a well-nigh unanimous and universal—desire for the creation of the Academy. The Dutch Minister of Foreign Affairs sounded the nations through diplomatic channels as to their willingness to participate in the Academy in the way suggested by the Endowment, viz.: by the designation of students to follow its courses, and, although replies have not been received from all countries, as diplomacy moves somewhat slowly and cautiously, it appears that the projected Academy will not be without support of the kind desired from a goodly number of nations. It should be mentioned in this connection that the matter of the Academy has twice been submitted to the International Law Association and approved by its members and that, at a recent meeting of the Institute of International Law held at Oxford in August of the present year, that distinguished body expressed itself unequivocally and overwhelmingly,—indeed, with practical unanimity—in favor of the establishment of the proposed Institution. It may be said, therefore, that at least one of the two difficulties standing in the way of its creation has been overcome, and if our friends in South America could be brought to approve the idea, and their Governments to designate one or more qualified persons to attend its courses, the Academy would cease to be merely a project and would open its door to competent students from all countries.

I am specially instructed to lay this matter before you, in the hope that it will meet with the approval of Latin American publicists, and that the Governments of the American Republics may be willing to participate to the desired extent of designating competent persons to attend the courses of the Academy. We believe that they would gladly designate such persons if the matter were properly brought to their attention and if it were made to appear—which is the fact—that the establishment of the Academy depends in no small measure upon their coöperation. I may further say, in accordance with the instructions I have received, that if the executive powers of the Latin American States would express their willingness to comply with the request, either made or to be made through diplomatic channels by the Dutch Minister of Foreign Affairs, it is believed that the last difficulty standing in the way of the Academy would be overcome.

Let me briefly outline the plan of the proposed Academy. It may be said that it is still Mr. Sturdsa's plan with some important modifications and additions.

The Academy is to be primarily an Academy of International Law and of connected or related subjects. It is to meet for three months in the year, preferably from July to October, that is to say, during the vacations of the Universities and schools of political science. Systematic courses of instruction are to be given, as Mr. Sturdsa proposed, in Spanish as well as in German, English, French and Italian. The Academy, however, is not to be under the control or to depend upon the support of the nations, although it is hoped that the nations will, as suggested by Mr. Sturdsa, designate appropriate persons to follow its courses of instruction. The Academy is, with the express permission of the Committee in charge, to be installed in the Palace of Peace which was recently opened, and is to be administered in its material aspects by the Committee of the Palace of Peace. Its curriculum is to be determined by a body called the Curatorium, to be composed, in the first instance, of past presidents of the Institute of International Law representing different countries, so that the international aspect will be as controlling as it is apparent. The sums necessary for the support of the Academy are to be furnished by the Carnegie Endowment and to be administered by a special Finance Committee with its seat at the Hague. It has been thought best to place the Academy under private control, and not to request the Governments to furnish any part of the money needed, although it is hoped that they will indicate their interest in it by designating students to follow the courses.

Without going into further details of this kind, which although important are not of general interest, let me briefly state the special object of the Academy, which, in the language of the Dutch Committee, is to "promote the study of public and private international law and political science, including besides the law of nations, international, civil and penal law and political science in connection with international law."

The means of attaining this object are,—

(1) Lectures on special subjects by the most competent professors of the science in question, who shall belong to different nationalities.

(2) Systematic instruction to be given in the whole or a special part of one of the sciences by the most competent professors, who shall, likewise, belong to different nationalities.

(3) Advanced instruction to be given by lecturers and professors according to the seminar method which has produced such remarkable results in Germany and wherever this method has been tried, and, finally, the publication of the courses given by distinguished lecturers.

If we analyze the means thus briefly mentioned, we shall see that lectures on special and timely subjects are to be delivered by lecturers of great attainments, who are not merely theoretically qualified but who have had the advantage of practical experience in dealing with the subjects on which they are to speak. Thus, as a single instance, I may state that the distinguished French publicist and arbiter, Monsieur Louis Renault, who has represented his country with marked

distinction in all the recent international conferences, including two at The Hague, and who is the favorite arbiter of disputes between members of the family of nations, has agreed to deliver, should the Academy be established, a course of thirty lectures on arbitration and arbitral procedure. These lectures would be delivered in French and when published would be widely distributed. They would be placed in public libraries, in University libraries, and would be exposed for sale at moderate prices so that all interested in the subject might procure the printed volume. It is expected that four or five lecturers from different countries would deliver their courses on important and timely subjects of a theoretical and practical nature during each session of the Academy.

You can, of course, be sure that the distinguished publicists of Latin America would be called upon to deliver lectures in Spanish on the various problems of international relations. Systematic instruction will be given by professors of different nationalities and of known competence, and, as it would be either impossible or impracticable to treat the whole of the subject during a single session, without danger of superficial treatment, it is proposed to divide the subjects into their component parts and to treat each part separately, if separate treatment be possible or desirable.

We can easily see the advantage to students of the different view points of the various professors, as the courses would not merely be courses in international law but, as one may say, courses in comparative international law, for, unfortunately, international law is colored by national feeling, just as a stream bears traces of the soil over which it flows. And not only would this be an advantage for students; it would, it is believed, be an even greater advantage to the professors themselves who, by daily contact and the exchange of thought, would be forced to take note of the opinions of their colleagues of different nationalities and thus be led to internationalize international law.

Finally, it is easy to see the great benefit which not merely advanced students would derive from studying under the distinguished lecturers and professors, but lecturers and professors alike would profit from the interchange of thought which would necessarily take place in such intimate and such small courses, because the number of advanced students in the seminar would be small in comparison with the numbers attending the lectures and the systematic instruction.

It is not difficult to create the Academy, to invite lecturers and to secure the services of eminent teachers for a summer term. It may, however, be difficult to find a student body and the Endowment is not willing to have the distinguished specialists lecture to empty benches. Again the Endowment is desirous that the student body shall be of such a kind and of such attainments and be drawn from many different countries so that the influence of the Academy will be felt upon specialists in international law, whether they become teachers, practitioners or diplomats. It is for this reason, among others, that the co-operation of foreign Governments is considered essential, for, if each country represented at The Hague Conference would designate but a single student each year, the student

body, however small, would be of the kind to profit by the instruction and, perhaps, to influence beneficially the foreign relations of their respective Governments.

Let us now consider in what respects the Academy would differ from existing Academies:

(1) It would be installed in the Peace Palace at The Hague and students could not fail to be impressed by the aims and purposes of the Peace Palace.

(2) The lecturers would be selected from the world at large, and the courses could be delivered in any one of the five languages. The publication of the lectures would, it is believed, enrich international law with a series of monographs, so that in the course of a few years students in all parts of the world would have the advantage of the matured views and conceptions of distinguished practitioners and theorists, which would not be the case if the Academy did not exist.

(3) The small faculty would be unique in the sense that it would be composed of professors drawn from different countries, lecturing to students representing the nations of the world which recognize and apply international law in their foreign relations.

(4) The seminars would be unique in the sense that instead of being national, as is now the case, they would be international and directed by experts of different nationalities.

There is so much that could be said for the Academy, there is so little that could be urged against its institution, that its promoters feel it should be established without further delay. It does not compete with any existing institutions either in character, in quality, or in the time of its sessions. It offers instruction equally unique, and not elsewhere to be had. There appears to remain but a single obstacle to its realization. If the Latin American countries would consent to designate one or more competent persons from each of the American Republics to follow the lectures and the courses of the Academy, the Endowment would feel justified in taking the final steps necessary for its organization. I dare not overstep the limits of propriety in urging your Governments to participate in the labors of the Academy, but I can assure you that, with your co-operation, the Academy will become a reality instead of being as it has been for years a dream, a hope, the aspiration of the publicists of many and distant countries.

## 5. National Committees for the Third Hague Peace Conference

The Latin American diplomats and delegates who played such an important part in the Second Hague Peace Conference do not need to be advised of the necessity of preparing, well in advance of the Third Conference, the various plans and projects which it may be the desire or intention of their respective Governments to propose: Indeed, it is common knowledge that the labor of preparation had not been done, or at least not done in a thoroughly satisfactory manner, by all of the Governments represented at the Second Conference. Many of the projects were, it is believed, drafted in the Hague, without consultation with the home Governments, and delays occurred in order that the Governments might receive the projects which their delegates proposed to present, and furnish the delegates with the necessary instructions. It is believed that the Conference would not have remained so long in session if the necessary preparation had been done before the delegates arrived at the Hague, and that the tension observable at times, especially in the last weeks of the Conference, would have been avoided.

The Conference, itself, was convinced that, if there was to be a Third Conference, its programme should be drawn sufficiently in advance of the probable meeting, and communicated to the Powers, so that they might have the projects which they felt inclined to present prepared before the opening of the Conference at the Hague. The result of this general feeling was the adoption of the following resolution:

The Conference recommends to the Powers the calling of a Third Peace Conference which should take place within a period of time similar to that which has elapsed since the former Conference, at a date to be fixed by common accord among the Powers, who are accordingly urged to prepare for this Third Conference in ample time to allow of their deliberations being carried on with the necessary sanction and despatch.

To attain this end, the Conference is of the opinion that it would be advisable that, about two years before the probable date of the meeting, a Preparatory Committee should be appointed to collect the various proposals to be submitted to the Conference; to determine the matters susceptible of an international agreement; and to prepare a programme sufficiently in advance to permit the careful consideration of all these matters by the interested nations. This Committee would likewise be called upon to propose a method of organization and procedure for the Conference itself.

The Conference thus recommended the calling of a Third Conference, and, as all the Powers agreed to the resolution, it is evident that a Third Conference is to be expected.



Dr. Andrew D. White records in his interesting *Autobiography* a conversation with Baron de Staal, President of the First Conference, in which he stated that a Second Conference was likely to meet in the ensuing year. It did not, and eight years elapsed between the First and the Second Conferences. Without fixing a precise date, it is agreed that a Third Conference should meet approximately eight years after the adjournment of the Second, that is to say, in 1915, approximately. The precise date of the meeting is, according to the resolution, to be fixed by common accord among the Powers, and, in order that the Powers might have ample time for preparation, it was proposed that some two years before the probable date of reunion a Preparatory Committee should be appointed to determine the matters susceptible of an International agreement and to prepare a programme sufficiently in advance to have it properly considered by the Powers.

If, therefore, the recommendation of the Conference is to be carried into effect, it is evident that steps should be taken during the present year to form this Preparatory Committee. As far as is known, the Governments have not decided that the Third Conference shall meet in 1915 or that it shall meet at any specified date, but it is fair to presume that, if the meeting does not take place in 1915, it will not be postponed to a much later date, as public opinion will, no doubt, be as insistent as it was before the meeting of the Second Conference. But, it is evident that the Preparatory Committee has a very difficult task, and that it needs all the light it can receive from the four quarters of the world.

Now it stands to reason that a very serious responsibility rests upon each of the Governments invited to the Second Conference, which will, doubtless, be invited to the Third Conference because, not merely the success of the Conference itself, but the form and character of the programme depend upon the coöperation of the Governments. There are twenty-one American Republics; there are twenty which we in our country ordinarily speak of as the Latin American Republics, that is to say, Latin America forms almost one-half of the nations invited or actually participating in the Conference, and, as each nation has a vote, it can be seen that Latin America by the mere force of numbers, not to speak of its intellectual greatness, can go far to determine the nature and content of the programme. This, therefore, taxes the American representatives with a grave responsibility, for right and duty are correlative terms.

Supposing that the Conference is to take place approximately in 1915 or 1916, and that a Preparatory Committee of the Powers will be appointed some two years in advance of the meeting of the Conference, it would seem to be clear, without argument, that the Governments invited to the Second Conference should take steps to formulate their views and conceptions so that they may be ready to have them presented to the Preparatory Committee immediately upon its constitution. How can the preparation for the Third Conference best be made? Many European Governments have appointed small National Committees to consider the questions which their respective Governments would like to have included

in the programme, as well as to formulate and express views upon the other questions contained in the resolution. Mr. Root, in his instructions to me, has suggested that every American country appoint a National Committee for the consideration of possible contributions to the programme of the next Hague Conference, and that arrangement be made for the intercommunication of such Committees among all American countries, and I am directed to make this suggestion in the hope that it may commend itself to the wisdom and discretion of the various countries which I have the honor to visit. It is not meant that the American countries should unite upon a common programme and that it should be presented to the International Committee as the views of the Western Hemisphere; but it is felt to-day, as was formerly and as ever will be the case, that in a multitude of counsellors there is wisdom.

I pass to the question of the appointment of a Committee which may be called an International Preparatory Committee to distinguish it from the like Committees of the various States. Its composition is a matter of very great importance upon which the voice of America should be heard. While it is, of course, true that the International Committee will make its report to the nations at large and that the Governments will in last resort accept or reject the programme, nevertheless the recommendation of this Committee will in all probability be adopted, so that the programme of the Third Conference will not really be drafted by the Powers in consultation but by the Members of the Preparatory Committee. How is this International Committee to be formed? Is it to be composed of the large Powers, and of some small Powers? If so, who is to choose the Powers? This is a very difficult matter and one which gives ground for serious thought and reflection. It is well known that President Roosevelt took the initiative in bringing about the meeting of the Second Conference. It is a fact, however, that the programme was drawn up by Russia after consultation with various Powers, which it took care to consult; but it would seem more respectful to the participating Powers, as well as in the interest of the programme itself, that all should be asked to contribute their suggestions as to the formation of the programme—not merely asked to ratify a "*fait accompli*". I cannot escape the feeling that the practice of the American Republics could be of great service to the States at large. I refer to the Pan-American Union of which every American State is a member, and to its Governing Board, composed of the Diplomatic Representatives of each of the Latin American Republics under the Presidency of the Secretary of State of the United States. It is the custom of the Board to refer important matters which are up for discussion to small committees for study and report; the small committee has no power of its own; it merely lays before the Board the results of its labors, and, in appropriate cases, with a recommendation. The Administrative Council of the Permanent Court of The Hague is composed of the diplomatic agents of the various countries represented at The Hague under the Presidency of the Dutch Minister of Foreign Affairs. Now, it has occurred to not a few

of us that, as the programme of organization of the Third Conference is a matter of interest to all nations, just as the programme of the Pan American Conference is primarily of interest to each and every one of the American Republics, the Administrative Council, composed, as it is, of the representatives of the Powers, might be, by agreement of the Powers, invested with the duties and the functions of the International Preparatory Committee: in other words, that it be the International Committee and that it be authorized to appoint a small committee to be called Executive Committee—a *comité d'examen* or *comité d'études*, which small committee should take up and consider the various matters mentioned in the resolution, and report its conclusions or recommendations to the Administrative Council, just as a Special Committee of the Board reports to the Governing Board. In this way a small working committee could be formed without difficulty, because such committees were frequently appointed at the Second Hague Conference, without any friction whatever.

The Members of the Special Committee would undoubtedly confer with their Home Governments, so that the projects reported to the Administrative Council would have already had the approval of their Governments; and the Members of the Council, not Members of the Special Committee, would undoubtedly know what was taking place in the Special Committee, or, at any rate, the reports of the Special Committee might be submitted to their respective Governments for their advice.

It is believed that Members of the Council would not need to wait any length of time for the reports or recommendations of the Special Committee, because the Diplomatic Corps resides at The Hague, its Members meet constantly and are on familiar and intimate terms. The Governments represented at The Hague would thus be kept in close and intimate touch with the proceedings of the Committees.

There is perhaps one objection to this plan because although forty-four States were represented at the Second Conference, only thirty-four are accredited at The Hague; but the reply to this objection is that the Powers not represented can, if they choose, appoint diplomatic agents, or the Powers not represented might have the reports made to them by the Dutch Minister of Foreign Affairs, as President of the Administrative Council, from time to time as they are received from the Preparatory Committee, and they could transmit to him their views.

I do not consider it advisable to attempt an enumeration of the subjects to be included in the program, as that is a matter for the Foreign Office to determine. I would state, however, that, just as the Second Conference considered as unfinished business the projects of the First Conference, which were rejected for the time being, the Third Conference will no doubt regard the *voeux* and recommendations of the Second Conference as unfinished business, and that, as the Second Conference revised the conventions of its predecessor in the light of experience and further reflection, it is to be presumed that the

Third Conference will subject the labors of its enlightened predecessor to examination, criticism and amendment. I would state as likely to figure in the program:—

(1) A General Treaty of Arbitration in which the Powers will agree either to arbitrate generally with the usual reservations, or to arbitrate specified lists of subjects to which the reservations would not apply.

(2) The definitive establishment of the Court of Arbitral Justice decided upon by the Second Conference, by a method of composition which will be agreeable to the States generally.

(3) The consideration of the Declaration of London regarding Prize Courts, because it is hardly to be expected that the thirty odd Powers not represented at London will be willing, by accepting the Declaration, to consider the ten Powers which actually framed the document as their representatives for this or for any other purpose.

I beg to call your attention to the fact that the Institute of International Law appointed a special Committee to consider the questions to be discussed at the next Peace Conference, and agreed upon the following list:—

I. Elaboration of regulations with reference to the laws and customs of maritime warfare in the relations between belligerents.

II. Creation of a Court of Arbitral Justice.

III. General Treaty of Arbitration.

IV. Elaboration of regulations concerning a permanent organization of the Peace Conference.

V. Extension of the Convention of October 18, 1907, regarding the opening of hostilities, so as to cover in general all international agencies of coercion.

VI. Determination of the maritime belt, and regulation of its sphere.

VII. Effects of war upon the private rights of individual nationals of the belligerent States.

VIII. Rules governing airships in time of war.

IX. Rules governing lighthouses in time of war.

X. Value of arbitral awards with regard to national jurisdictions and authorities.

XI. Diplomatic and Consular immunities.

XII. Competence of the Courts with regard to foreign States.

It is a matter of importance for the American Republics to make a study of the subjects to be included in the programme, and to formulate the projects to be presented and discussed in the Conference, since it is not enough that the States should merely attend the Conference, but that they should also take part in the

deliberations. America should contribute to the result, and this can only be adequately accomplished if the programme has been carefully studied and the projects considered and drafted before the Conference meets.

There is another viewpoint from which the subject should be considered, which would go a long way towards justifying the appointment of the National Committees, without reference to the influence of such Committees upon the labors of the International Preparatory Committee. The question of attitude is of fundamental importance in considering the subject of an international conference, for it is not to be presumed that national interests will play as great a role in an international conference as they would at home. A nation taking part in an international conference should, therefore, consider not merely in how far it can secure acceptance of its national views and of its special interests, but in how far it can, in the interest of the common good, yield its national views and special interests, or in how far it can consider a compromise where it is impossible wholly to yield. Considered solely in this light, it is believed that the national committees would render genuine service to their respective countries.

Distinguished publicists have held that more real progress has been made in the development of international law since the meeting of the First Conference than in the interval between that date and the Congress of Westphalia. This statement may or may not be true, but it is believed that the meeting of that Conference and the meeting of the succeeding Conference was, and will be, more important than any convention negotiated, declaration adopted, resolutions agreed to, or recommendations which may have been made. The importance of the First Conference, leaving out its work, lay in the fact that twenty-six nations were willing to meet and to discuss questions of general, as distinct from special, interest. The importance of the Second Conference, to which, through the instance of Mr. Root, all the Latin-American nations were invited, lay in the fact that practically all the nations of the world went into the Conference at The Hague, and for four months their representatives were within four walls, engaged in the peaceable discussion of great and beneficent projects, many of which they were able to put in acceptable form, and the individual delegates were so impressed with the result of their meeting that they recommended unanimously a Third Conference. In the instructions to the American delegates of the Second Hague Conference, Secretary Root said:

“The immediate results of such a conference must always be limited to a small part of the field which the more sanguine have hoped to see covered; but each successive conference will make the positions reached in the preceding conference its point of departure, and will bring to the consideration of further advances towards international agreement opinions affected by the acceptance and application of the previous agreements. Each conference will inevitably make further progress and, by successive steps, results may be accomplished which have formerly appeared impossible.

"You should keep always in mind the promotion of this continuous process through which the progressive development of international justice and peace may be carried on; and you should regard the work of the Second Conference, not merely with reference to the definite results to be reached in that Conference, but also with reference to the foundations which may be laid for further results in future conferences. It may well be that among the most valuable services rendered to civilization by this Second Conference will be found the progress made in matters upon which the delegates reach no definite agreement".

And in commenting upon the results of the Second Conference, he said:

"Let me go beyond the limits of the customary formal letter of transmittal and say that I think the work of the Second Hague Conference, which is mainly embodied in these Conventions, presents the greatest advance ever made at any single time toward the reasonable and peaceful regulation of international conduct, unless it be the advance made at the Hague Conference of 1899.

"The most valuable result of the Conference of 1899 was that it made the work of the Conference of 1907 possible. The achievements of the Conference justify the belief that the world has entered upon an orderly process through which, step by step, in successive Conferences, each taking the work of its predecessor at its point of departure, there may be continual progress toward making the practise of civilized nations conform to their peaceful professions".

## 6. The American Institute of International Law and National Societies of International Law

*Ubi societas, ibi jus.* Where there is a society of nations there is a law of nations. As the society grows or changes, the law is developed or modified to meet the new or different needs of the society. A nation cannot exist and fulfil its mission separate and apart from the society any more than man can live in isolation. This has been so in all ages of which history furnishes us a record, so evident, indeed, that Aristotle felt justified in saying that man was a political animal, for men tend to form a society, however large or small, and organize themselves on a large or small scale for a political purpose. The child is born into society, grows up and prospers in obedience to and under protection of law.

As with man, so with the nation. It cannot exist of and for itself; it is a political unit, to cling to the Aristotelian phrase, a body politic, or a moral person, to use the language of the day. It is either a member of the society of nations which has naturally resulted from the mere existence of nations, the needs of mutual intercourse, and the necessity of a law to regulate and control. This intercourse, for where there is society there is and must be law, or the nation is admitted into membership of the society of nations, as is the case with every country of the American Continent, upon its application or its recognition as a member by the international society, in accordance with the law of nations, which is the law of the society; and by such membership each and every nation acquires the rights which each nation possesses in an equal degree. Each nation is the equal in and under the law, and at one and the same time becomes subject to the duties imposed by the law; for rights and duties are correlative terms. The right of one is the right of both; the duty of each is to respect the rights of each and of all. It necessarily follows that if each nation is the equal of the other, each is independent of the other and of all, and legal equality and independence are inherent and fundamental rights of the nations without which they cannot exist, and that the respect of the equality and independence of each is equally inherent and fundamental. But independence does not and should not mean the right and the power to act without reference to the other members of the society; for a failure to respect the rights of others is the violation of a duty; if unchecked, it results in anarchy, which is incompatible not merely with the progress and well being of the members of the society but with the continued existence of the members. Such a state of things is impossible among men, however loosely united into a community; it is equally impossible among nations, members of one and the same society recognizing and applying the principles of law which result from the very nature of things which have taken definite form and consistency through the customs and practice of nations, and through the tacit or express

recognition of the rights and duties of nations considered as equal members of the International Society. We are far removed from the condition of things which Hobbes could define as a *bellum omnium contra omnes*, even although the law of nations is neither so developed nor so adequate as the internal or municipal law of each and every member of the society of nations.

While we can accept the principle of equality without qualification, we must understand independence in the sense that a nation is not and cannot be free to act in violation of the rights of other nations, just as individual men and women renounce absolute and unrestrained freedom of action in order that their rights shall be observed and protected as well as the rights of the others. Independence thus shades necessarily, naturally and imperceptibly into interdependence, without however questioning the equality of each nation and its freedom from intervention on the part of others. The exercise of extreme rights is renounced not for the benefit of any one nation, not at the instance of any one nation, but for the common benefit and well-being of all states.

Without attempting to prove the obvious, namely, that all states are equal,—Chief Justice Marshall said in a famous decision of the Supreme Court of the United States that Geneva and Russia have equal rights,—and that all states are and must be independent in the sense that no state possesses the right to control the destiny or to interfere with the action of any nation, however small its people or scant its population, the question naturally arises: What is this law of the society of nations which every nation acknowledges and applies or should apply, in its relations with other members of the Society of Nations? Without attempting to define this law—for the present purpose is to state its existence and the necessity of its existence—it may be said that the law referred to is International Law, which has come into being to meet the needs of nations and which is evidenced by the custom and practice of nations during the past few centuries. Once the possession of the few—the canonists and philosophers, the jurists and the statesmen, it has become the possession of the many. It is no longer to be gathered exclusively from the usages and customs of nations, as found in the archives of foreign offices, but it exists in systematic form, in the works of Wheaton, to cite an authority of the United States, and in the elaborate and authoritative treatise of Calvo, to cite a leading treatise of a South American author.

International law was the especial possession of the foreign office in the days of autocratic government in former times. When a special class or the chosen few governed the nation and directed its foreign relations responsible to an irresponsible ruler, it was perhaps not necessary that the law of nations, to use the older name, be studied and its principles mastered by the many. But a change has come over the world in the last hundred years and more. The irresponsible ruler of the past is the responsible sovereign or president of to-day, in the case of every empire, kingdom or republic, the ruler, whether hereditary or elective, is responsible to the people, for whose benefit government is and must henceforth



be administered. The people of each and every country have become masters of the situation, and we must, to use a familiar expression, educate our masters, not merely as to their rights, but as to their duties, as to which we all need enlightenment. To pass wisely upon the foreign policy of our government, and to see to it that it conducts its foreign relations in accordance with the principles of international law, as should be and will be increasingly the case, we must know the principles of law to be administered. The people at large possess the power and the duty to influence foreign relations; and as the people in the end are responsible for the correct and enlightened conduct of foreign affairs, and as they suffer the consequences of the mistakes of government, it follows necessarily that they must fit themselves for the responsibility which they cannot avoid, by a broad and extended acquaintance with the principles of international law.

It is not enough that the diplomats understand the system; larger sections of the people must know, if they are to pass upon foreign questions, the principles by which they should be and by which they will be decided in the long run. It is not enough that international law be taught in the universities, for we must reach those larger bodies that do not attend universities, and which nevertheless possess the right and therefore the responsibility of suffrage.

It cannot be expected that every voter will become an international lawyer, and it is not necessary that every voter should. It is, however, vital that large classes of the people should take an interest in the law which controls international intercourse, and by which the rights and duties of nations are to be tested. It is only through a knowledge of international law that a just public opinion can be formed on questions of foreign policy; and as public opinion fashions foreign policy, it needs no argument that a knowledge of the principles of international law should be sufficiently disseminated, in order to form public opinion, on enlightened lines, in each and every nation belonging to the Society of Nations.

The expression "Society of Nations" has been used as more accurate and significant than the Family of Nations; but in a large and generous sense, the idea of a family applies with peculiar force and suggestiveness to the twenty-one republics of the Western world, alike in their origin, having similar forms of government and identical in their hopes and aspirations. We must set our houses in order, we must solve our own problems, we must so regulate our foreign, I had almost said our own family, relations, if we expect to influence the nations of the older world, which, like the average man, are more influenced by practice than by precept.

Confining ourselves to what may be called the American problem, how can we develop international law in such a way as to make it meet the growing needs of the twenty-one American Republics; how can we formulate the rules of law which are necessary to decide our problems; how can we conduct our mutual relations in such a way as not to disturb the harmony that should exist among members of one and the same continent, and how can we bring a knowledge of

these matters home to the classes that form public opinion in each and every one of the twenty-one American Republics?

Profoundly grateful that the relations of the past redound to the credit of our common continent and that our present relations are harmonious, may we not hope that these good relations will not only be perpetuated but strengthened in the future, and that with each added year our relations shall become more intimate, more confidential, in a word more fraternal, as becomes the members of a great family sharing a common destiny in a common continent?

The Pan-American Conferences may be trusted to continue; the regular and periodic exchange of professors and students may be and we hope will be inaugurated; the knowledge of the institutions and of the contributions of each nation to the common good may become general; the visit of representative men may and will tend to create and promote social intercourse to substitute friendship and kindly sympathy for ill-feeling if it exists; and to usher in an era of good understanding; but the relations of nations, considered as such, depend upon an understanding and dissemination of just principles of law and their application to disputes which are bound to arise among members of one and the same family, and at times because they are members of the same family.

How can this law be developed as it must be to meet the changing or growing needs of the American Republics, and to solve the problems common to America, or which are more prominent in America than elsewhere? How can these principles, when found and formulated, be best disseminated? These are questions which must be answered; and upon the correct answer depends in large part the future relations of the American nations.

It needs no argument that a law to affect all must be made by all; that is to say, it must be the result of coöperation. The law of nations, as Chief Justice Marshall once said in effect, is not the law of any one nation; it is not made by any one nation, it is not imposed by any one nation, it cannot be changed by any one nation. If it is to be made by the nations as a whole, how can the nations coöperate? and to speak only of the American Republics, how can they coöperate in developing the law of nations, and how can this law be popularized in such a way as to affect or create public opinion in each of the American countries?

The law may be codified where it exists, and created where it does not exist, by the action of governments, just as the American States have proposed to do, and have actually begun to do, in a meeting of American jurists held at Rio de Janeiro in June, 1912. But governments move slowly, and when they move too rapidly and in advance of public opinion, their work does not last. Is there not a place for private, that is to say, for scientific coöperation, among the publicists of America? A private body of Europe, the Institute of International Law, founded in 1873 on the suggestion of a distinguished North American, Francis Lieber, although he did not live to see it formed, and of which Institute the distinguished South American, Calvo, was a founder and an ornament, has done more than any single agency to develop international law. Its drafts on various

phases of international law, its resolutions, its statement of old as well as of new law, have been accepted by specialists; and its various projects have been adopted by governments because of their value and practical worth. Slowly and tentatively, scientifically and unerringly, it has solved problem after problem, and produced model after model of correct codification. Much of its work has been adopted by The Hague Conferences, notably the code of arbitral procedure, the code of land warfare, the suggestion of a court of prize; and it is not too much to say that it made possible the work of The Hague. It prepared the way and furnished model drafts which could be accepted with but slight modifications by the Conferences. The patient labor of an unofficial Society, composed of publicists representing science, not governments, furnished not merely the form but the substance for the official Conference. It is hardly open to question that an official codification of international law must be preceded by the careful, patient, inconspicuous labor and devotion of scientists, if the codification is to state just principles of law which the society of nations can adopt, instead of a compromise of conflicting interests and views of the governments, which through their official and instructed delegates, codify in whole or in part the law of nations. In any event scientific and unofficial actions should precede or accompany official codification.

Is there not room for an American Institute of International Law, composed of an equal number of publicists from each of the American countries, which can represent the conscience of America as well as its ability, and which can do for our continent what the older Institute has done for the world in the last forty years? Could not this American Institute work in friendly coöperation with National Societies of International Law in every American capital, which would make known the deliberations of the American Institute and coöperate in its labors and discussions? Could not these National Societies bring together all persons interested in international law, create this interest where it does not exist, and form a center in each country for the study and popularization of international law?

Two American publicists, the one of Chili, Mr. Alejandro Alvarez, the other of North America, Mr. James Brown Scott, thought so, and they have established the American Institute of International Law, after conference with and upon approval of leading publicists of the continent. The members of the older Institute thought so, as is evidenced by their warm and unsparing praise of the proposal in formal opinions written for publication, which have been published in a brochure containing the constitution and by-laws of the new Institute, and the other documents relating to its formation. And such is the opinion of the distinguished North American statesman, Elihu Root, who has accepted the honorary presidency of the Institute, who appreciates and admires the peoples of Latin America because he has visited and knows them.

Mr. Root was a party to the formation of the new Institute and has promised it his powerful aid, and as its honorary president, lends it the prestige of his name and reputation.

In an address at the opening of the twentieth Peace Congress in The Hague during the month of August, the distinguished Dutch publicist, Professor de Louter, referred to the three hopeful and encouraging events of recent date, all of which are of American origin. The first was the codification of international law proposed by the Pan-American conferences and actually begun by the Congress of American Jurists which met in Rio de Janeiro, in June, 1912; the second was the formation of the American Institute of International Law, proposed and founded by the happy coöperation of South and North American publicists; the third was the creation and proposed activity of the Carnegie Endowment for International Peace, which I have the honour to represent.

Let me quote what Professor de Louter, a foreign and therefore unprejudiced observer says of the American Institute:

The second illustration is furnished by an essentially scientific Institute, whose moral influence and effect are not less important. The gradual coming together of North and South America has called into existence a new agency of progress. The projects for a Pan-American Union which have been discussed for a long time, but never practically realized, have at last led to a definite result within the peaceful field of scholarly pursuits, thanks to the talent and perseverance of two illustrious men from the two halves of the hemisphere. In the course of the past year Dr. James Brown Scott, the distinguished juriconsult of the United States, and Mr. Alejandro Alvarez, formerly a professor and at present counselor to the Chilean Ministry of Foreign Affairs, who, in June, 1912, had brought to bear a salutary influence at Rio upon the plan of codification, have, after a personal meeting at Washington, founded in the latter place in October, 1912, "The American Institute of International Law." This Institute has for its object: first, to contribute to the development of international law; second, to crystallize the common sentiment for international justice; third, to promote pacific settlement of all international disputes arising between the American countries. This luminous plan was born of the conviction that it is better to foster ideas of right and justice through slow but constant infusion into the minds and hearts of the peoples, than through diplomatic negotiations not based upon a general, popular feeling.

When it is understood that the pacifist movement is more general in America than in any other country, and rests either on a religious basis or upon a community of interests and of tendencies worthy of envy, we can best appreciate this new evidence of vigorous progress which has come to us from the other side of the ocean; it puts new life into our hopes and gives fresh impetus to our efforts.

Let me now dwell for a few moments on the question of National Societies, which are to be formed and affiliated with the Institute, whose members are to be chosen from the members of the National Societies, the members of which are of right Associates of the Institute and participate in its scientific labors by enrolling

themselves as such and paying the moderate annual dues. The older Institute contemplated National Societies but none were formed until after the founding of the American Institute. In February of the present year the French Society of International Law was founded, due it is believed to the existence and successful career of the American Society of International Law, and to the plans for the American Institute.

The purposes of the French society are, according to the first bulletin which it has issued:

“(1) To develop the knowledge and study in France, of International Law; (2) to coordinate the efforts and unify the opinions of the French juriconsults, and bring closer together, by a mutual exchange of ideas, all those who may be interested in International Law, public and private; (3) to give to public opinion a definite and clear idea of the work undertaken in the scientific domain by the Institute of International Law, and in practice by the Conferences on Private International Law and The Hague Peace Conferences, and to contribute, within the limit of its powers, to the progress of this work, in conformity with the traditions, sentiments and interest of France.”

I have preferred to state the aims and purposes of the French Society as Europe is supposed to have a greater influence upon us in America than American precedent. If a national society is needed in France and can perform useful work, it is fair to presume that such a National Society may be formed in each of the American Republics, and that it can justify its existence by useful and constructive work in the country of its origin. The French Society issues a modest bulletin distributed to its members to keep them in touch with the Society's work. This could be done by each American Society, and the interchange of the different bulletins would keep all of the National Societies informed of the work done by the others, as well as the members of the Society issuing the bulletin. A large and comprehensive Review of International Law would not need to be founded or supported by the American Institute, as the *American Journal of International Law*, now issued in a Spanish translation by the American Society, could be modified so as to make it the organ of the Institute, without additional expense and without any cost to the Institute. It could be distributed to the members of the Institute and to the Members of the National Societies, so that the International Society would thus have an international journal, and each National Society a national bulletin. All workers in international law in all parts of America would thus know the work done by the International Society, as well as the work done by each national society; all workers in the field of international relations could be brought into close and intimate relations and kept in touch by the journal and bulletins, and instead of isolated activity all would press forward together towards a common goal, and international law would be developed, expounded and popularized by the nations of a continent, instead of by the efforts of a few scattered and disinterested souls, working perhaps in isolation and without encouragement, or at least

without the encouragement which comes from conscious, well-directed and coöperative effort. The law of a continent can only be made and developed by a continent; the international law of the Americas can only be made and developed by the Americans, acting in common accord and inspired by American ideals.

I am specially instructed by Mr. Root, the friend of the Americans, the President of the Endowment under whose auspices I have the honor to address you, and Honorary President of the American Institute of International Law, and President of the American Society of International Law, to urge you to coöperate with the founders the American Institute, so as to make it a powerful instrument in the development of international law, to urge you to form National Societies of International Law, affiliated with the American Institute for the popularization of international law, and the dissemination of its principles, so that the foreign relations of the Americas may be regulated by a law binding all because made, developed and accepted by all.

Let me indicate in closing how the American Institute can help the Carnegie Endowment in its great and peaceful mission. The older institute was requested to act as adviser to the Endowment's Division of International Law, either as a body, or by a committee. It accepted the invitation and appointed a committee composed of the most experienced and illustrious of European publicists, so that the Division has the advantage of the best advice that Europe can furnish as to what it should undertake and as to the method of execution. The Consultative Committee—as that body is called—meets at the request of the Director of the Division of International Law, and gives advice upon questions submitted and offers advice on its own initiative. As the Institute has performed, and performs, incalculable services to the cause of peace by the development of international law, the Endowment makes a generous subvention to the Institute which is employed in part in meeting the traveling expenses of the members of the Institute, which does not meet in any fixed place but holds its meetings from year to year in the different countries of Europe, and also in part in paying the expenses of its Commissions, and in the preparation and publication of its valuable reports.

If the American Institute is firmly established with the national and affiliated Societies, cannot the American Institute be asked to act through a committee as advisor to the Endowment's Division of International Law on all problems of American nature and all undertakings affecting America; and may not the Institute justify such financial support as may be needed to be expended in the same way as the subventions to the European Institute?

I dare not prolong an address already too long, but I cannot conclude without a sincere and personal appeal, warm from the heart, to urge you to help the American Institute to perform the mission for America and for the world, that the European Institute performs for Europe and the world, and to urge you to form the National Societies of International Law, affiliated with the American Institute, without which its great and beneficent work cannot be undertaken, or if undertaken, cannot be carried to a complete and gratifying success.

PARA EL FOMENTO DE NUESTRAS BUENAS  
RELACIONES CON LOS PUEBLOS  
LATINOAMERICANOS

[FOR BETTER RELATIONS WITH OUR  
LATIN AMERICAN NEIGHBORS]

VIAJE A LA AMÉRICA DEL SUR  
[A JOURNEY TO SOUTH AMERICA]

**PARTE II**

ESPAÑOL, PORTUGUÉS Y FRANCÉS

[Part II. Spanish, Portuguese and French]





Fundación Carnegie para la Paz Internacional

DIVISIÓN DE RELACIONES Y EDUCACIÓN

Segunda edición de las Publicaciones Núms. 7 y 8

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PARA EL FOMENTO DE NUESTRAS BUENAS  
RELACIONES CON LOS PUEBLOS  
LATINOAMERICANOS

VIAJE A LA AMÉRICA DEL SUR

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POR

ROBERT BACON

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WASHINGTON, D. C.

1916

Es propiedad de la  
FUNDACIÓN CARNEGIE PARA LA PAZ INTERNACIONAL  
Queda hecho el depósito que marca la ley, 1916.  
Wáshington, D. C.

## *Prefacio*

No poca parte de la obra de la División de Relaciones y Educación de la Fundación Carnegie para la Paz Internacional se realiza por medio de visitas internacionales de hombres de representación. La experiencia ya ha confirmado la suposición razonable de que tales visitas son útiles, y en alto grado provechosas, para levantar el espíritu de amistad internacional y para desarrollar la buena inteligencia entre las naciones. La detenida lectura del informe de Mr. Robert Bacon sobre los detalles de su viaje a la América del Sur durante el verano y el otoño de 1913 demuestra precisamente cuánto contribuyen a la paz y al buen orden del mundo tales visitas. La política e ideales nacionales se exponen cuidadosamente y con simpatías, no sólo a las personalidades directoras de los países que se visitan, sino también a grandes auditorios representativos compuestos de profesores, comerciantes y hombres públicos. La prensa periodística se halla casi uniformemente interesada y se muestra propicia a prestar su ayuda en ocasiones de esta clase, y al visitante de distinción y dedicado al servicio público en su país de origen se le recibe cordial y calurosamente.

Es en alto grado importante que se multipliquen tales visitas por hombres de representación a las distintas Repúblicas americanas. Las barreras del idioma habrán de romperse, a medida que el conocimiento de la lengua inglesa se haga más extenso en los países suramericanos, y a medida que se aprenda en los Estados Unidos a leer, hablar y escribir el español. Ya se están estableciendo entre los pueblos de las distintas Repúblicas americanas vínculos de interés común en las finanzas y en el comercio. Estos vínculos se verán seguidos y robustecidos por otros a su debido tiempo. Entonces se habrán desarrollado una verdadera opinión pública y un verdadero punto de vista americanos, que serán comunes igualmente al pueblo de los Estados Unidos y a los de las demás Repúblicas del Sur.

La primera edición del Informe de Mr. Bacon se publicó en dos tomos, uno de ellos en inglés y el otro en español, portugués y francés. Habiéndose agotado dicha primera edición y continuando la demanda de esta publicación, ahora se publica una segunda edición, en la cual van combinadas las dos versiones en un solo tomo.

NICHOLAS MURRAY BUTLER,  
*Director Accidental.*

10 DE ABRIL DE 1916.



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PARA EL FOMENTO DE NUESTRAS BUENAS  
RELACIONES CON LOS PUEBLOS  
LATINOAMERICANOS



VIAJE A LA AMÉRICA DEL SUR

### *Nota*

En esta relación de mi visita a la América del Sur en el otoño de 1913, como representante de la Fundación Carnegie para la Paz Internacional, mediante invitación del Dr. Nicholas Murray Butler, Director de la División de Relaciones y Educación, me ha parecido bien, en gracia de la ilación, empezar con la carta de instrucciones que me dirigiera el Honorable Elihu Root, Presidente de la Fundación, con un editorial tomado de la Revista Americana de Derecho Internacional, comentando sobre el objeto de la misión, y con mi breve carta dirigida a los Síndicos a mi retorno, informándoles de lo hecho. Luego siguen una relación más detallada de las visitas que hice a las distintas capitales, otro editorial tomado de la Revista Americana de Derecho Internacional, en donde se analizan los resultados de la misión, y en conclusión, una interviú en donde se relatan algunas impresiones de lo que ví y oí durante el viaje. En los Apéndices se encontrarán reproducidos los discursos, cartas y proyectos o esbozos de discursos que fueron pronunciados o publicados como artículos en revistas suramericanas.

ROBERT BACON.

NUEVA YORK, Junio de 1914.



## INTRODUCCIÓN

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### *Carta de Instrucciones del Presidente Root*

WASHINGTON, D. C., 20 de julio de 1913.

HONORABLE ROBERT BACON.

*Señor:*

Tengo el gusto de confirmar la designación que de usted ha hecho, por acuerdo oficial, la Fundación Carnegie para la Paz Internacional, para que, en calidad de representante de la misma, visite usted la América del Sur cuando lo juzgue oportuno durante el año en curso. El objeto de esta misión, con respecto a la cual ya se ha servido usted complacernos prometiéndonos desempeñarla, es despertar el interés y simpatías de los directores de la opinión de la América del Sur en los distintos sentidos en que la Fundación se propone fomentar la paz internacional, y por medio de las relaciones y explicaciones personales promover la colaboración práctica en esta obra en la América del Sur. Como ya usted sabe, deberá hacer patente a nuestros amigos de la América del Sur que Mr. Carnegie ha puesto en manos de ciertas personas nombradas como fideicomisarios, la suma de diez millones de dólares, cuyas rentas deberán dedicarlas al fomento de la paz internacional. Después de un detenido estudio de la forma en que deberían perseguir los fines para que ha sido establecida la Fundación, los fideicomisarios o síndicos de la misma formularon la siguiente exposición de los objetos específicos a que habrían de dedicarse las rentas del capital así consagrado.

a) Promover y fomentar la investigación científica y el estudio de las causas de la guerra, así como de los métodos prácticos para impedirarla y evitarla.

b) Coadyuvar al desenvolvimiento del Derecho internacional, a un acuerdo universal sobre las reglas del mismo, y a la aceptación de éstas entre las naciones.

c) Difundir información y educar la opinión pública acerca de las causas, naturaleza y efectos de la guerra, y de los medios encaminados a entorpecerla, estorbarla y evadirla.

d) Establecer una mejor inteligencia de derechos y deberes internacionales y un sentido de justicia más perfecto entre los habitantes de los países civilizados.

e) Fomentar sentimientos de amistad entre los habitantes de los distintos países y acrecentar el conocimiento e inteligencia común entre las naciones.

f) Promover la aceptación general de los medios pacíficos en el arreglo de los conflictos internacionales.

g) Mantener, fomentar y auxiliar aquellos establecimientos, organizaciones, sociedades y agencias que se estimen útiles o necesarias para la consecución de los fines de la Fundación.

Para realizar estos fines, la obra de la Fundación ha sido organizada en tres divisiones a saber: 1) la División de Relaciones y Educación, de la cual es Director Accidental el doctor Nicholas Murray Butler, Presidente de la Universidad de Columbia; 2) La División de Economía e Historia, de la cual es Director el doctor John Bates Clark; 3) La División de Derecho Internacional, de la cual es Director el Secretario de la Fundación, doctor James Brown Scott. Los distintos temas antes enumerados han sido apropiadamente asignados a estas tres divisiones. Los métodos y detalles de la gestiones correspondientes a cada una de estas divisiones se hallarán indicados en una serie de monografías que irán adjuntas a la presente. En éstas percibirá usted dos cosas: Primera, que el propósito de los Síndicos no es el que esta Institución se transforme en misionero que predique el evangelio de la paz impartiendo sus propias ideas al mundo, sino más bien el promover y fomentar en todos y cada uno de los países del mundo la organización y actividad de las fuerzas nacionales en bien de la paz. No es tanto el añadir una nueva organización para la paz a las que ya existen en el mundo sino constituir el medio de proporcionar renovado vigor a todas las iniciativas que realmente tiendan en sentido práctico a prevenir la guerra y a asegurar más la paz. Segunda, que a fin de coadyuvar a la obra de cada una de estas tres divisiones, se ha realizado una extensa y efectiva organización tanto en Europa como en América, la cual incluye un gran número de los más eminentes y altamente respetados estadistas, publicistas y directores del pensamiento moderno.

El gran respeto y amistad que los Síndicos de la Fundación tienen a los pueblos de la América Latina y hacia los muchos y distinguidos latinoamericanos con quienes muchos de los Síndicos sostienen las más cordiales relaciones de amistad personal, nos llevan a desear que la obra de la Fundación alcance la misma activa y útil cooperación en la América del Sur que ya ha obtenido en Europa. A este propósito nos complacería que hiciera usted a los señores con quienes se relacione en las capitales suramericanas una explicación entera y perfecta de la historia, de los fines y de los métodos de la Fundación.

Observará usted que uno de los medios por los cuales la División de Relaciones y Educación se propone fomentar la buena inteligencia nacional es una serie de visitas internacionales por hombres de representación. En su consecuencia, bajo los auspicios de la División, directa o indirectamente, el Baron d'Estournelles de Constant, de Francia, la Baronesa von Suttner, de Austria, y el Profesor Nitobe, del Japón ya han visitado los Estados Unidos, y el Presidente Eliot, de la Universidad de Harvard ha visitado la India, la China y el Japón,

y el Dr. Hámilton Wright Mabie se encuentra en la actualidad en el Japón. La visita de usted a la América del Sur está incluida en esta categoría, pero tiene un fin más definido y específico que ninguna de las demás visitas mencionadas o que se proyectan bajo el encabezamiento indicado, ya que no es meramente para robustecer la buena inteligencia por medio del trato personal entre un norteamericano de nota y suramericanos de representación, sino que es también para presentar a los suramericanos de nota, personalmente, la obra y fines e ideales de la Fundación, y para invitar a nuestros amigos de la América del Sur a que en unión cordial y simpática colaboren con nosotros en llevar a cabo la gran obra que nos está encomendada.

No es conveniente ni deseable el precisar demasiado antes de su visita el alcance y métodos de colaboración que serán posibles con nuestros amigos suramericanos, pero usted fácilmente observará que en las monografías que le han sido entregadas se indican ciertos medios por los cuales puede obtenerse dicha colaboración sin gran demora. Por ejemplo: a) la formación de sociedades nacionales de Derecho internacional que habrán de afiliarse al Instituto Americano de Derecho Internacional; b) la presentación a los distintos gobiernos de la oportunidad de participar en la proyectada Academia de Derecho Internacional de La Haya proveyendo a que cada gobierno envíe un estudiante de representación a la Academia, si fuere establecida. Notará usted que la organización de tal Academia destinada a colocar a los estudiantes procedentes de todas partes del mundo bajo la guía de los directores del pensamiento en Derecho internacional todos los veranos depende en gran manera de la cuestión de si los gobiernos del mundo experimentan la necesidad de tal institución lo suficiente para que le presten su apoyo oficial enviando cada uno de ellos un estudiante en su representación. c) El nombramiento de comités nacionales para el estudio de lo que haya de aportarse al programa de la próxima Conferencia de La Haya y hacer preparativos para la comunicación mutua de tales comités entre todos los países americanos. d) El establecimiento de sociedades nacionales para la conciliación internacional que deberán afiliarse a la asociación principal para la conciliación internacional establecida en París. e) Convenir lo oportuno para el suministro sistemático de informes para los trabajos de la División de Economía e Historia de acuerdo con el programa redactado en Berna por el Congreso de Economistas en el verano de 1911. Observará usted que el Dr. Kinley, que fué nombrado miembro del Comité de Investigación, con referencia especial a la América del Sur, seguirá a usted en una visita a la misma dentro de poco tiempo, e indicará específicamente lo que puede hacerse en apoyo de las investigaciones de esta División. Las gestiones de usted a este respecto deberán encaminarse a preparar el camino para la recepción del Dr. Kinley y facilitar la colaboración en sus trabajos.

Los Síndicos de la Fundación saben perfectamente que el progreso en la obra que han emprendido ha de ser necesariamente paulatino y que sus resultados más substanciales habrán de recogerse en un futuro lejano. Estamos tratando

con aptitudes e impulsos firmemente establecidos en la naturaleza humana por el desarrollo de miles de años, y todo lo más que una generación puede esperar hacer es promover el cambio gradual en las normas de conducta. Todos los cálculos que se hagan a propósito de dicha obra y de sus resultados han de basarse no en los términos de la vida individual humana, sino en los términos de la vida prolongada de las naciones. Inconspicuos como son los resultados inmediatos, no puede haber, sin embargo, un objeto más noble para el esfuerzo humano que el de ejercer influencia en las tendencias de la raza, a fin de que ésta avance, por más paulatinamente que sea, hacia la civilización y humanidad, apartándose de la brutalidad sin sentido. Es para participar con nosotros en esta noble, aunque inconspicua obra que pedimos a usted invite a nuestros amigos de la América del Sur con las más sinceras seguridades sin reservas de nuestra elevada consideración y calurosa estima.

Quedo de usted, atento y s. s.,

ELIHU ROOT,  
Presidente.

## *Editorial de la Revista Americana de Derecho Internacional,*

JULIO, 1913

La Fundación Carnegie para la Paz Internacional anuncia que el antiguo Secretario de Estado y ex-Embajador de los Estados Unidos en Francia, Honorable Robert Bacon, hará una visita bajo sus auspicios a la América del Sur durante el próximo otoño. El fin específico de la visita de Mr. Bacon no se ha hecho público todavía, pero el objeto general de la misión, según se dice, es interesar a los hombres que dirigen la opinión en la América del Sur en los distintos medios elegidos por la Fundación para fomentar la paz internacional, y por medio del contacto y explicaciones personales conseguir la cooperación práctica de la América del Sur en dicha obra.

Los fines y propósitos de la Fundación Carnegie ya han sido varias veces comentados en las columnas de esta REVISTA. En el número de enero de 1911 insertamos la carta de Mr. Carnegie que acompañaba la escritura haciendo el traspaso de los bonos, en la cual Mr. Carnegie manifestaba sus razones para hacer su donación y en el número de abril de 1911, asimismo se exponían la organización permanente efectuada por los señores Síndicos y los fines específicos a los cuales dedicarían los intereses producidos por dicha donación. En el número siguiente publicamos un discurso del Dr. Nicholas Murray Butler, uno de los miembros de la Junta de Síndicos y del Comité Ejecutivo de la Fundación, pronunciado en el momento de la apertura de la Conferencia del Lago Mohonk en 24 de mayo de 1911, en el cual explicó la división del trabajo de la Fundación en tres departamentos generales, la División de Relaciones y Educación, Economía e Historia, y Derecho Internacional, y manifestó lo que los señores Síndicos esperaban llevar a cabo en cada una de dichas divisiones.

Los Anuarios publicados por la Fundación correspondientes a 1911, 1912, suministran los detalles del trabajo que se realiza en cada una de estas divisiones y por ellos puede obtenerse alguna idea de lo que la Fundación espera efectuar en Sur América como resultado de la visita de Mr. Bacon.

En la División de Relaciones y Educación se han nombrado cuerpos de corresponsales y una Junta Consultiva para Europa y Asia compuesta de hombres prominentes y de influencia en los distintos países. Hasta ahora no parece haberse dispuesto semejante organización para la América Latina, y la extensión de la organización europea a esos países muy bien podría decirse que es el objeto primordial de la visita de Mr. Bacon. También se hace referencia en los Anuarios, a un intercambio educacional con la América Latina, incluyendo no solamente un canje de profesores sino también un cambio de estudiantes. Según se desprende del último Anuario, el intercambio educacional con el Japón ya se ha llevado

a cabo con éxito por la visita a los Estados Unidos durante 1911 a 1912 del bien conocido educacionista japonés, Dr. Inazo Nitobe, y la visita correspondiente al Japón durante el pasado año del Dr. Hámilton W. Mabie; pero no parece que hasta ahora haya sido posible el realizar un intercambio tal con la América Latina, aunque todos los años se ha hecho provisión para ello por los oficiales y Síndicos. Proyectóse dar comienzo al intercambio con la América Latina durante el año de 1912 y en su consecuencia se hizo lo oportuno para obtener la visita a los Estados Unidos del Dr. Luís M. Drago, ex-Ministro de Relaciones Exteriores de la República Argentina; pero el estado de salud del Dr. Drago hizo que el proyecto no pudiera consumarse. Quizás la presencia de Mr. Bacon en la América del Sur se utilizará para combinar un programa definitivo para llevar a cabo estos propósitos.

Otro de los proyectos relacionados bajo esta División es el de las visitas internacionales de hombres de representación. Tales visitas ya han sido inauguradas con Asia por el Dr. Charles W. Eliot, y con Europa por la visita del Barón d'Estournelles de Constant y varios otros eminentes europeos a los Estados Unidos. El viaje de Mr. Bacon es evidentemente el primer paso en el susodicho intercambio de visitas con la América Latina. Esta División parece estar también particularmente interesada en la extensión de sucursales de la Asociación para la Conciliación Internacional, la cual tiene su oficina principal en París y una dependencia poderosa en la ciudad de Nueva York. A este propósito es interesante notar que si las recomendaciones del Director Accidental de la División de Relaciones y Educación son atendidas por los señores Síndicos es posible que la Fundación se valga más de esta forma de propaganda en el futuro, como un medio distinto al de las sociedades de la paz las cuales hasta ahora han sido generalmente los agentes de la propaganda popular en el movimiento en favor de la paz. El siguiente extracto del informe del Director Accidental del Comité Ejecutivo, de fecha 16 de noviembre de 1912, demuestra claramente la distinción que existe entre las dos formas de organización y los distintos campos de acción de cada una de ellas:

El Director Accidental es decididamente de la opinión, formada como resultado de dos años en el estudio de las condiciones que prevalecen tanto en los países europeos como en los Estados Unidos, que el trabajo de propaganda en apoyo de los fines para los cuales la Fundación ha sido establecida, puede realizarse más efectiva y económicamente nó por medio de organizaciones para la paz solamente, sino por medio de organizaciones que tengan un alcance más amplio y que abarquen más en su radio de acción. Los que se hacen miembros de una sociedad cuyo nombre indica que se halla dedicada a la paz, ya están convertidos. En todas las naciones del mundo existe un sinnúmero de hombres y mujeres de recta razón y bien intencionados que, a la par que son completamente refractarios a la idea de afiliarse a ninguna sociedad para la paz, se hallan prestos y ansiosos a contribuir a la obra de promover una inteligencia internacional mejor, así como relaciones internacionales más estrechas, de las cuales la paz resultará como un producto accesorio. La función de las sociedades para la paz es

distintiva y muy importante. Dichas sociedades pueden muy bien formar un cuerpo compacto y efectivo de trabajadores por la causa de la paz y del arbitraje internacional, que constituya como si dijéramos la vanguardia del gran ejército que se espera se podrá reclutar y poner en activo servicio. En el estado presente de la opinión pública por todo el mundo, el uso mejor que la Fundación Carnegie puede hacer de aquella parte de sus fondos que han de dedicarse al trabajo de la propaganda activa, es crear y auxiliar aquellas organizaciones que muestren deseos y capacidad para fomentar estrechas relaciones internacionales, difundir el conocimiento de los pueblos civilizados y multiplicar los lazos de amistad y concordia entre las grandes naciones de la tierra. Entre estas organizaciones se encontrarán desde luego sociedades para la paz, pero no sería juicioso el confiarles todo el trabajo de la propaganda.

Recientemente se han organizado sociedades para la conciliación internacional en Alemania, Gran Bretaña y Canadá, y actualmente se están dando los pasos oportunos para organizar una asociación de esta clase en la Argentina. Es posible que Mr. Bacon en su próximo viaje tenga oportunidad de sugerir el establecimiento de tales organizaciones en los otros países que visite.

Quizás sea el trabajo más importante y de mayor alcance de la Fundación el que actualmente se lleva a cabo por la División de Economía e Historia. Una relación completa del trabajo de esta División y del de la Conferencia de Economistas celebrada bajo sus auspicios en Berna en 1911 con el propósito de trazar un plan de investigación se hallará en las columnas editoriales de esta REVISTA en el número correspondiente al mes de octubre de 1911, página 1037. También se hallará en dicha REVISTA todo el programa recomendado por la Conferencia. De los informes del Director de esta División aparece que los miembros de la Conferencia de Berna se han constituido en un Comité de Investigación permanente para intervenir en el trabajo actual de investigación, el cual se confía a colaboradores que puedan dedicar una gran parte de su tiempo al trabajo y poner los resultados en forma apropiada para su publicación. Un economista americano que se halla en gran manera familiarizado con las condiciones prevalecientes en la América del Sur y que ha obtenido grandes éxitos en cuestiones de ciencias económicas, lo mismo en teoría que en la práctica, o sea el Profesor David Kinley, de la Universidad de Illinois, ha entrado a formar parte como miembro del Comité de Investigación y ha proyectado un curso de investigación en la América del Sur. Mr. Bacon probablemente hallará la ocasión propicia para explicar el trabajo de esta División e invitar a los economistas de la América del Sur a que coadyuven y cooperen en la obra de extender a estos países los programas de estudios delineados por la Conferencia de Berna.

La REVISTA ha tenido igualmente ocasión de comentar sobre la organización y proyectos de la División de Derecho Internacional. En el número de octubre de 1912, en uno de los comentarios editoriales, se explicaban las relaciones que se habían establecido entre el Instituto de Derecho Internacional y la División de

Derecho Internacional de la Fundación, y en virtud de las cuales el primero ha aceptado el título y desempeña las funciones de Consejero General de la División. En el mismo número aparece un comentario sobre la organización del Instituto Americano de Derecho Internacional y en un editorial del número de enero del año 1913 aparece un nuevo comentario y mayor información a propósito de este proyecto. El radio de utilidad del Instituto Europeo para la Fundación parece estar limitado al Hemisferio Oriental, y si es la intención de los señores síndicos lograr un cuerpo consultivo análogo para la América Latina, el Instituto Americano propuesto diríase que es un cuerpo admirablemente constituido para desempeñar estas funciones, y tiene la ventaja de encontrarse ya en existencia, y sin duda se hallará dispuesto a seguir el ejemplo de su distinguido prototipo europeo y a llegar a un acuerdo análogo con la División de Derecho Internacional.

A desemejanza del Instituto Europeo, uno de los rasgos característicos del Instituto Americano es que requiere el establecimiento de sociedades nacionales de Derecho internacional. La visita de Mr. Bacon, por consiguiente, no sólo podría utilizarse para acelerar la organización del Instituto en aquellos países de la América del Sur en los cuales no se haya progresado tanto como en otros en esta organización, sino para sugerir igualmente lo oportuno y ayudar en la formación de sociedades nacionales de Derecho internacional que habrán de afiliarse al Instituto de acuerdo con el plan ya delineado en los números anteriores de esta REVISTA anteriormente citados.

Otro de los proyectos de la División de Derecho Internacional en que Mr. Bacon podría ser de gran utilidad es la propuesta Academia de Derecho Internacional de La Haya. El objeto de esta Academia ha sido brevemente expuesto en un comentario que aparece en el número de enero de 1912 de esta REVISTA, en la página 202. Del informe del Director de la División de Derecho Internacional de fecha 26 de octubre de 1912 se desprende que antes de comprometerse definitivamente a prestar su apoyo a dicha Academia, el Comité Ejecutivo de la Fundación desea tener la seguridad de que la Academia se aprobará generalmente por los países representados en la Segunda Conferencia de La Haya, y que, si se establece, estos países prestarán su ayuda para lograr estudiantes que, después de haber cursado todas las asignaturas prescritas por la Academia, vayan a ocupar en su país aquellas posiciones en que hagan sentir su influencia en materias pertenecientes a relaciones internacionales. A continuación se explica luego que con esto se quiere significar estudiantes sacados de los distintos ramos del servicio gubernamental, tales como los servicios diplomático y consular y los establecimientos militares, navales y civiles. Para que este proyecto pueda tener éxito en su funcionamiento es desde luego necesario que se obtenga el beneplácito y cooperación de los países de la América del Sur, y la posición ocupada por Mr. Bacon recientemente en el gobierno de los Estados Unidos hará sin duda que sea posible y propio que él indique este asunto a los altos funcionarios con quienes se relacione en los países que ha de visitar y conseguir, quizás, su ofrecimiento de cooperación.



Mr. Bacon está ahora en las Islas Filipinas, y los detalles del itinerario que ha de seguir en la América del Sur no han sido publicados. Espérase, no obstante, que regresará del Oriente por la vía de Europa, saliendo de Lisboa allá para mediados de septiembre y regresará a Nueva York antes de Navidad. Visitará todos aquellos países tanto del Este como del Oeste de la América del Sur según lo permita el tiempo limitado de que dispone.

Mr. Bacon será el primer estadista americano que visite la América del Sur desde la memorable visita del Senador Elihu Root cuando era Secretario de Estado de los Estados Unidos. El viaje de Mr. Root constituyó en sí tal éxito en los resultados alcanzados y en la amistad y buena voluntad que se sucedieron, que difícilmente puede esperarse que Mr. Bacon, viajando como viaja en su capacidad privada, obtenga tan marcados resultados. Si logra, sin embargo, aunque sea en escasa medida, despertar los sentimientos que se expresaron a Mr. Root por todas partes, y si difunde el evangelio de la buena voluntad y de la amistad, de la buena inteligencia y de la conciliación, de la justicia y de la paz, lo cual parece ser el deseo y propósitos de la Fundación Carnegie en la América del Sur, como lo ha sido y es en la América del Norte, en Europa y en Asia, su misión habrá resultado de un éxito sin igual y los señores Síndicos de la Fundación que le enviaron merecerán felicitaciones por haber así extendido su radio de acción.

## *Informe Preliminar de Mr. Bacon*

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A LA JUNTA DE SÍNDICOS DE LA  
FUNDACIÓN CARNEGIE PARA LA PAZ INTERNACIONAL,

SEÑORES:

Tengo el honor de informaros que, con arreglo a la carta de instrucciones del Honorable Elihu Root, de fecha 20 de julio de 1913, la cual me fué entregada en París el 14 de septiembre del mismo año por el Dr. James Brown Scott, acabo de terminar una visita a la América del Sur emprendida como representante de la Fundación Carnegie para la Paz Internacional.

Después de una semana en París empleada en la preparación del material con la generosa e invaluable asistencia del Dr. Scott y del señor Alejandro Alvarez, me dirigí a Lisboa, saliendo de dicho puerto el 22 de septiembre con rumbo a Río de Janeiro, acompañado de mi esposa y de mi hija, del Magistrado Otto Schoenrich y de su señora y de Mr. William R. Hereford.

En Sur América visité las capitales del Brasil, Argentina, Uruguay, Chile y Perú. La inaccesibilidad de las capitales de las demás repúblicas y la falta de empalmes satisfactorios en las líneas de vapores y ferroviarias hizo imposible que pudiera extender este itinerario en el tiempo que tenía a mi disposición.

La admiración y respeto universal que se siente en la América del Sur por el Presidente de la Fundación, Mr. Root, el aprecio afectuoso de sus mutuos amigos en estos países, me aseguraron, como portador de su carta de instrucciones, la más cordial bienvenida. En todos los países que visité los directores de la opinión atestiguaron en sus discursos públicos y en sus conversaciones personales la elevada estima en que se tiene al Presidente de vuestra Junta en la América del Sur, y expresaron el vehemente anhelo de colaborar con él y los demás Síndicos en la obra de la Fundación.

En los países mencionados traté a hombres de representación, y por medio de discursos, entrevistas y relaciones personales, les hice ver la obra y propósitos e ideales de la Fundación.

En Río de Janeiro pronuncié discursos en la Biblioteca Pública, bajo los auspicios de la Academia Brasileña y en el Instituto de la Orden de Abogados, y en la Embajada americana; en Montevideo, en el Ateneo, bajo los auspicios de la Universidad; en Buenos Aires, ante la Facultad de Derecho de la Universidad; en Santiago, en la Universidad de Chile; en Lima en la Universidad de San Marcos, y ante el Colegio de Abogados.

Más adelante os presentaré, en el idioma en que fueron pronunciados, copia de los principales discursos y observaciones que hice en otros actos públicos, así como también una colección de los principales artículos que aparecieron en la prensa.

Según vuestros deseos distribuimos entre los suramericanos de representación los Anuarios de la Fundación y folletos impresos, algunos de los cuales se destinaban a la publicación en los periódicos y revistas locales. En un informe ulterior presentaremos copia de estos folletos, en los cuales se describían las gestiones en que la Fundación se halla directa o indirectamente interesada.

En todas partes se respondió con entusiasmo a la invitación que hicimos a nuestros amigos de la América del Sur para que colaborasen en unión cordial y de simpatías con los Síndicos en las distintas empresas que la Fundación trata de fomentar.

El propuesto cambio de visitas de hombres de representación recibió la más profunda aprobación y podría ponerse en ejecución sin demora alguna. El cambio de profesores y estudiantes recibió también la más cordial aprobación. Ya parece llegada la hora de tratar de la cuestión del cambio de profesores, y estoy seguro que en cualquier momento que los Síndicos se encuentren dispuestos a hacer proposiciones definitivas concernientes al cambio de estudiantes se recibirá la entusiasta colaboración de las cinco repúblicas que he visitado.

Tuve la buena suerte de encontrarme en Lima mientras se hallaba en sesión el Congreso Médico Panamericano, y en la sesión de apertura de dicho cuerpo de hombres de ciencia tuve el placer de oír a uno de los oradores, al Dr. Cabred, referirse con reconocimiento a la obra de la Fundación Carnegie para la Paz Internacional. Me causó profunda impresión el hecho de que estos hombres procedentes de las distintas Repúblicas americanas, reunidos con un propósito común y humanitario, representaban bien el "ánimo internacional," y me tomé la libertad de indicar al Presidente del Congreso, Dr. Odriozola, la posibilidad de elegir del Congreso representantes que desearan tal vez visitar los Estados Unidos en relación con el cambio de visitas propuesto por la Fundación.

El camino ya ha sido preparado para la formación de sociedades nacionales para la conciliación que habrán de afiliarse a las asociaciones para la conciliación internacional de París y Nueva York. En Río de Janeiro, el señor Helio Lobo; en Buenos Aires, el señor Benjamín García Victorica; y en Lima al Dr. Juan Bautista de Lavalle, han aceptado el cargo de Secretarios Honorarios.

Ya se han formado o se hallan en proceso de formación en Río de Janeiro, Buenos Aires, Montevideo, Santiago de Chile y Lima, sociedades de Derecho internacional que deberán afiliarse al Instituto Americano de Derecho Internacional.

Tuve el honor de ofrecer a los gobiernos de los países que visité la oportunidad de participar en la proyectada Academia de Derecho Internacional de La Haya, y de llamarles la atención hacia la necesidad de nombrar comités nacionales para el estudio de aquellas materias con que deseen contribuir al

programa de la próxima Conferencia de La Haya, y de hacer los preparativos oportunos para la comunicación mutua de tales comités entre todos los países americanos.

Los representantes de los distintos gobiernos con quienes tuve el gusto de hablar mostraron buenas disposiciones sin excepción alguna. La proyectada Academia de Derecho Internacional de La Haya despertó inmediatamente su interés y simpatías. Manifestaron asimismo cuánto apreciaban la importancia de que pronto se nombrasen comités nacionales para que discutiesen las materias que habrán de contribuirse al programa de la próxima Conferencia de La Haya.

En todos los discursos principales que pronuncié no dejé de aprovecharme de la oportunidad de describir la obra de la División de Economía e Historia de la Fundación, y solicitar para ella la asistencia de nuestros amigos de la América del Sur en lo relativo al suministro sistemático de datos, de acuerdo con el programa sentado en Berna. Llamé especialmente la atención hacia la próxima visita a la América del Sur del Dr. Kinley como representante de la División.

En todas las capitales personas distinguidas me prestaron su simpática, inagotable y valiosa cooperación y asistencia. Estos señores me consagraron su tiempo e ideas con la mayor buena voluntad. Por sus esfuerzos tuve la oportunidad necesaria de hacer a los directores de la opinión de la América del Sur enteras y completas explicaciones acerca de la historia y propósitos y métodos de la Fundación.

Por cortesía de los Ministros de Relaciones Exteriores en sus respectivos países obtuve el privilegio de ser recibido en audiencia por el Presidente Hermes da Fonseca, del Brasil; el Presidente Batlle y Ordóñez, del Uruguay; el Vicepresidente de la Plaza de la Nación Argentina, hallándose ausente de la capital a causa de enfermedad el Presidente Saenz Peña; el Presidente Barros Luco, de Chile, y el Presidente Billinghurst, del Perú.

Debo hacer mención igualmente de la valiosa asistencia y cooperación que me prestarán los representantes diplomáticos de nuestro país. Mr. Edwin Morgan, Embajador nuestro en Río de Janeiro, y el Secretario de la Embajada, Mr. Butler Wright; Mr. Garrett, Ministro americano en Buenos Aires, y el Agregado Militar, Mayor Shipton; Mr. Grevstad, Ministro americano en Montevideo; Mr. Harvey, Encargado de Negocios en Santiago de Chile, y el Agregado Militar, Capitán Biscoe; Mr. Benton McMillin, Ministro americano en Lima, y Mr. Pennoyer, Secretario de Legación, todos personalmente dedicaron gran parte de su tiempo y atención a facilitar el objeto de mi visita. No puedo menos que expresar mi gratitud por su hospitalidad y por sus consejos y asistencia.

Mas adelante rendiré un informe completo de mi visita a la América del Sur. Al presentar este breve sumario permitidme renovar las seguridades de mi más elevado aprecio del honor que me confirieron los Síndicos al designarme como su representante para visitar la América del Sur.

ROBERT BACON.

DICIEMBRE 24, 1913.

*Para el Fomento de Nuestras Buenas Relaciones con los  
Pueblos Latinoamericanos*

INFORME FINAL DE MR. BACON

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I. Observaciones Preliminares

En una carta dirigida a los Síndicos de la Fundación Carnegie para la Paz Internacional manifesté brevemente los puntos principales de interés en mi viaje al Brasil, Argentina, Uruguay, Chile y Perú, emprendido como representante de la Fundación Carnegie para la Paz Internacional, en virtud de una invitación recibida, con fecha 1º de abril de 1913, del Dr. Nicholas Murray Butler, director de la División de Relaciones y Educación, y de una carta de instrucciones, de fecha 20 de julio de 1913, del Honorable Elihu Root, presidente de la Fundación.

En esta relación más detallada del viaje he tratado de exponer en forma narrativa lo hecho en cada ciudad, porque de ese modo, quizás, mejor que de ningún otro, sea posible dar una idea de la extremada bondad de la recepción que por todas partes se me hizo, como representante de la Fundación Carnegie para la Paz Internacional, y de la cordial simpatía e interés manifestados en todas partes en la obra y propósitos de la Fundación. La amistosa actitud de la prensa de todos los países que visité, la extremada cortesía de los distintos gobiernos, la espontánea aprobación de los directores de la opinión expresada en cartas y telegramas y manifestaciones personales, así como la evidente cordialidad del pueblo, suministran prueba plena de que los Síndicos hallarán en la América del Sur valiosa y enérgica cooperación en la noble tarea a que se han dedicado.

Me refiero a muchas personas que me prestaron la mayor ayuda. La relación no es de ninguna manera completa, pero en otro lugar he mencionado más ampliamente los nombres de aquellas personas con carácter oficial o sin él a quienes estoy principalmente reconocido por su asistencia, consejos e información, tratando de expresar al mismo tiempo algo de mi profundo sentimiento de gratitud y obligación hacia ellos.

Por su historia aún más que por su naturaleza, los países de los continentes de Norte y Sur América se hallan estrechamente unidos.

En estos países ha habido siempre desde la insurrección de las colonias suramericanas contra España en los comienzos del último siglo hombres prominentes en la dirección de los asuntos públicos que han voceado la amistad de los Estados Unidos hacia las naciones que nos quedan al sur. Ya en 1816

(en un discurso sobre el proyecto de ley conocido por el Lowndes Bill, destinado a aminorar las contribuciones directas impuestas durante la guerra de 1812), Henry Clay simbolizaba la posibilidad de que ayudáramos a las colonias hispanoamericanas en su lucha por la independencia. En 1818, en uno de sus más brillantes discursos, abogando porque “nuestra neutralidad se ajuste de modo que sea lo más ventajosa posible para las colonias insurreccionadas,” y porque “los Estados Unidos enviaran un Ministro a las ‘Provincias Unidas del Río de la Plata,’ reconociendo así esa colonia insurreccionada como un Estado independiente”, Clay dibujó con poética profesía las maravillosas tierras a que estamos unidos por el Istmo de Panamá.

La parte que tomara James G. Blaine en hacer más estrechas las relaciones entre las Repúblicas americanas es bien conocida. En 1881 Blaine convocó la Conferencia Panamericana que, debido a las circunstancias, no se reunió sino hasta ocho años más tarde en que Blaine fué nuevamente Secretario de Estado. Al enviar su nota general de invitación en 1881, Blaine obró por inspiración e iniciativa del Presidente Garfield, que apreciaba profundamente la conveniencia de estrechar las relaciones entre las repúblicas de este continente y a cuya pericia como hombre de Estado bien puede atribuirse la primera de esas Conferencias Panamericanas que ahora se celebran regularmente. En 1881, el Presidente Garfield, actuando por medio de su Secretario de Estado, propuso una conferencia que tuviera por único objeto la discusión de los medios de prevenir la guerra entre las naciones de América. La experiencia de Blaine como estadista previó los beneficios prácticos de las relaciones comerciales recíprocas que debían unir más íntimamente a las naciones americanas; y éstos y otros puntos numerosos formaron el programa de la Primera Conferencia Panamericana que se celebrara en Wáshington en 1889.

En nuestros propios días, Elihu Root es el hombre de Estado que más conspicuamente ha representado nuestra política tradicional de unión americana. Su amistad hacia las repúblicas hermanas se ha manifestado en repetidas declaraciones públicas que han delineado claramente la regla de conducta que debemos seguir en nuestras relaciones con las demás naciones de este continente. Su doctrina es la doctrina de la simpatía y de la buena inteligencia, de la bondadosa consideración y de la obligación honrosa; y cuando sus opiniones, que llevan en sí refundidos el idealismo de Mr. Clay y el positivismo de Mr. Blaine, se hayan aceptado generalmente como la política exterior de los Estados Unidos en este hemisferio, la cuestión de determinar la manera en que los Estados Unidos y las repúblicas hermanas de este continente hayan de entrar en relaciones más íntimas, habrá encontrado una completa solución.

Que como nación no hayamos procedido agresivamente con arreglo al consejo de estos directores dando a sus declaraciones sólo un asentimiento tácito sin que las hayamos secundado por la acción positiva, se debe en gran manera al hecho de que nuestro país se ha encontrado profundamente ocupado en sus propios asuntos, en su propio desarrollo maravilloso y rápido y en sus propios

problemas internos. El eminente Dr. Roque Saenz Peña, en su vigoroso discurso pronunciado en Wáshington en 1889, siendo uno de los delegados a la Primera Conferencia Panamericana, francamente manifestó que se daba cuenta de este hecho.

Decía el Dr. Saenz Peña en aquella ocasión :

La verdad es que nuestro conocimiento mutuo es limitado. Las repúblicas del Norte de este continente han vivido sin tener comunicación con las del Sur ni con las naciones de la América Central. Abismadas, como han estado, al igual que las nuestras, en el desarrollo de sus instituciones, han dejado de cultivar con nosotros más estrechas y más íntimas relaciones.

Si bien confío en que esta verdadera explicación de nuestras equivocaciones la acepten los estadistas de discernimiento de las repúblicas hermanas, no ha sido sino natural que el aparente, y a menudo efectivo abandono de nuestras oportunidades de cultivar una mejor inteligencia con nuestros vecinos, nuestra ignorancia de sus asuntos y nuestra aparente indiferencia nacional hacia el progreso de que disfrutaban haya tendido a engendrar en ellos motivo de resentimiento, desconfianza y sospecha. La histórica visita de Mr. Root a la América del Sur en 1906 ha contribuído más que ningún otro factor, a que se corrijan estas impresiones que se tenían de nosotros. Nuestro pueblo en general no tiene aún el más ligero concepto del gran servicio que Mr. Root le ha prestado por su actitud de simpatía y por sus repetidas manifestaciones de política nacional, pero este servicio se reconoce en todas partes de la América del Sur, en donde se le considera con el más profundo afecto y respeto.

El modo más efectivo de cumplir con las instrucciones de Mr. Root me pareció que consistía en un cambio de ideas con los suramericanos de representación, en discursos bajo los auspicios de universidades y sociedades científicas y en artículos en periódicos y revistas. Bien puedo decir que se me ofrecieron todas las oportunidades apetecibles para emplear estos distintos métodos. En todas las capitales que visité pronuncié discursos públicos, celebré numerosas conferencias con los principales ciudadanos y la prensa dió la mayor circulación posible a las descripciones de la obra de la Fundación y de las gestiones en que ésta se halla interesada.

No creo que haya un terreno más fértil para la obra de la Fundación que la América del Sur, ni que exista un momento más oportuno que el presente para cultivar las buenas relaciones entre este país y las repúblicas del gran continente situado al sur de nosotros.

En la actualidad es un hecho generalmente reconocido que el pueblo de este país se ha encontrado y todavía se encuentra en ignorancia de las verdaderas condiciones de estas grandes naciones latinoamericanas que avanzan por la senda del progreso tan rápidamente como lo que hayamos avanzado nosotros en cualquier período de nuestra historia. Nosotros hemos descuidado las oportunidades que se nos han ofrecido no solamente de mejorar nuestras relaciones comerciales con nuestras repúblicas hermanas, sino, lo que es de importancia infinitamente

mayor, las oportunidades de cultivar las relaciones intelectuales y los sentimientos de buena inteligencia amistosa que han de unirnos más estrechamente en lo futuro.

Hácese, pues, un deber de lo más urgente salir de nuestra ignorancia y subsanar nuestros errores. De ningún modo mejor, creo yo, pueden obtenerse estos resultados que en la forma que los Síndicos de la Fundación han indicado y es motivo de profunda satisfacción que nuestros amigos de la América del Sur hayan expresado hondas simpatías por los planes de la Fundación y que hayan prometido su enérgica cooperación.

El plan de la División de Relaciones y Educación proveyendo a "la visita a los distintos países de hombres de representación de otros países al propósito de hacer más conocido el espíritu, instituciones e ideales de las distintas naciones," según se delineara en la monografía que formaba parte de mis instrucciones generales, fué aceptado con aprobación unánime por los hombres con quienes me relacioné en la América del Sur. Tal cambio de visitas produciría provecho inmediato. Quizás por ningún otro método podrían obtenerse resultados que se hiciesen aparentes tan ligero, y aunque la obra de los Síndicos ha sido acertadamente basada en la consideración de un lejano futuro más bien que en consideraciones de actualidad, debemos sin embargo tener presente el deseo público de obtener una prueba tangible de progreso que sirva de incentivo e inspiración popular. Es altamente satisfactorio saber que ya se han dado algunos pasos para llevar a cabo el plan de que suramericanos distinguidos visiten los Estados Unidos, y es de esperarse que nada retarde en este hemisferio la obra que la División ya ha emprendido con tanto éxito en el Extremo Oriente.

Con respecto a la selección de los suramericanos que hayan de venir a los Estados Unidos me ha parecido que sería conveniente que esto lo hicieran sociedades científicas o docentes bajo cuyos auspicios podrían hacerse las visitas. En todas las grandes repúblicas hermanas del sur hay hombres en la vida pública y privada perfectamente competentes para desempeñar esta misión; hombres de brillantes aptitudes que hablan el inglés y que poseen excelente conocimiento de las condiciones que imperan en los Estados Unidos. Los que la Fundación eligiera de este país para visitar la América del Sur resultarían de utilidad limitada si no poseyeran el español o por lo menos el francés. En la Argentina y en Chile se habla más inglés que en cualquiera otra parte del continente suramericano, pero aún en estos países él conocimiento del idioma se halla circunscrito a un número relativamente pequeño. El francés se habla entre las clases instruídas, pero aunque el conocimiento del francés es mucho más común entre ellos que entre nosotros el representante de la Fundación que dependiese enteramente del francés y del inglés a menudo experimentaría la necesidad del español.

Las anteriores observaciones podrían tener aplicación con mayor fuerza al proyectado cambio de profesores de universidades a menos que se deseara que, desde luego, el profesor que visitase las universidades suramericanas diese sus conferencias en inglés.



Las escuelas y colegios del Brasil; la Universidad de La Plata y la Universidad de Buenos Aires en Argentina; la Universidad de Montevideo; la Universidad de Chile en Santiago, y la antigua Universidad de San Marcos en Lima, son todos importantes asientos del saber que poseen facultades distinguidísimas, y debiera instituirse tan pronto como sea posible un cambio regular de profesores con ellos. Sería oportuno quizás que los profesores que se envíen de los Estados Unidos dividan su tiempo entre las principales universidades latinoamericanas. Los profesores que se invitaran a este país podrían ser uno procedente de cada una de las repúblicas mencionadas, si ese número no fuese demasiado crecido teniendo en cuenta los fines de la Fundación, y podrían también alternar en cinco de nuestras principales universidades, lo cual permitiría a cada profesor permanecer unas seis semanas en cada universidad, extendiéndose las conferencias por consiguiente a todo el año académico.

El beneficio práctico que han prestado los cambios de profesores de Harvard y Columbia con Francia y Alemania es indicación bastante de los beneficios que habrán de derivarse de tales cambios con la América del Sur. La condición de una nación puede juzgarse casi exactamente por las condiciones que existen en sus colegios típicos. Cuando sabemos qué es lo que se enseña a los jóvenes de un país y cómo se les enseña, y la actitud que ellos asumen hacia la adquisición del saber, podemos formarnos un concepto del espíritu del pueblo no muy lejos de lo cierto. Los educacionistas suramericanos discutieron con gran interés el cambio de profesores propuesto por la Fundación y le prestarán su apoyo de todo corazón.

Con respecto al proyectado cambio de estudiantes entre las universidades de la América del Sur y nuestras propias universidades, hallé que la idea es generalmente aprobada, pero se estima que los detalles del proyecto han de ser claramente presentados antes que desaparezcan todas las dudas acerca de su conveniencia. Las universidades latinoamericanas son distintas a las nuestras en muchos particulares. Expresóse la opinión de que muchos padres vacilarían en enviar a sus hijos a nuestras lejanas universidades en que a los estudiantes se les permiten mayores libertades de las que ellos están acostumbrados a disfrutar en las universidades suramericanas. Temíase que en ausencia del dominio y vigilancia de la familia, los jóvenes pudieran sucumbir a la tentación. Desde luego que esto no es del todo distinto a los problemas con que los padres en los Estados Unidos tropiezan al enviar sus hijos fuera de la familia; pero la mayor distancia de que se trata en tales cambios hace aun más difícil que los padres quieran desprenderse de sus hijos, particularmente si la separación ha de ser por un período considerable de tiempo.

Paréceme que podría trazarse un plan por el cual tales estudiantes suramericanos recibieran mayor supervisión personal; pero, mientras no se llegue a este plan, la proposición tendente a un cambio sistemático de estudiantes es seguro que habrá de tropezar con grandes dificultades por parte de nuestros vecinos. Los jóvenes, por su parte, estoy convencido que se hallan entusiasmados en favor

de dicho cambio, y algunos me escribieron o me hablaron acerca de la posibilidad de estudiar en los Estados Unidos. El beneficio mutuo que los representantes derivarían es tan grande que debieran realizarse todos los esfuerzos posibles por trazar un método práctico para llevar a cabo este proyecto.

La División de Relaciones y Educación que tiene jurisdicción sobre el cambio de visitas de hombres de representación y sobre el cambio de profesores y estudiantes tiene también dentro de su competencia la formación de sociedades nacionales para la conciliación internacional. Los directores del pensamiento en la América del Sur, según mi entender, convienen en la obra beneficiosa que estas sociedades podrían realizar y desean con vehemencia que se organicen lo más pronto posible en los países que la forman. Hemos tenido la fortuna de obtener la aceptación de hombres de títulos bastantes para actuar como secretarios honorarios de las sociedades nacionales para la conciliación internacional en el Brasil, la Argentina y el Perú, y se espera que pronto se hallará un secretario para la de Chile.

Sería conveniente imprimir en español los folletos de la Sociedad para la Conciliación Internacional, que se destinan a la distribución en la Argentina, Chile y el Perú, y que los que se destinan al Brasil sean impresos en portugués. De este modo obtendrían una circulación más amplia y la obra de este modo se haría más popular que si estuviesen impresos en francés o inglés.

En todas las capitales que visité se reunieron comisiones sin carácter oficial como base para la organización de sociedades nacionales permanentes de Derecho internacional, que habrán de afiliarse al Instituto Americano de Derecho Internacional, fundado en 1912 y del cual Mr. Root es Presidente Honorario y el Dr. James Brown Scott Presidente efectivo. Eminentes publicistas prestaron su celoso apoyo a esta obra, aprobando unánimemente el plan y dedicando a la causa tal energía y entusiasmo que los Síndicos bien pueden esperar que se obtengan los mejores resultados. Muy pronto se apreció que un proyecto como éste, esencialmente intelectual y científico, ha de servir de base duradera para la tarea ulterior de hacer entrar a las naciones en más estrechas relaciones. Los derechos de los pueblos, no menos que los derechos de los individuos, han de apoyarse en la ley.

En varias ocasiones hubo personas que, hablando en nombre de sociedades de abogados, respondieron expresando su incondicional aprobación del plan de popularizar por medio de estas organizaciones internacionales los principios del Derecho internacional, a fin de que la opinión pública ilustrada exija el arreglo de las cuestiones que se susciten entre las naciones por el recurso a los principios del derecho más bien que por el recurso a la fuerza. La mutua comunicación de tales organizaciones, por medio de su afiliación al Instituto Americano, sería en sí misma un factor poderoso para llegar a una mejor inteligencia mutua entre los distintos países del universo.

Tratadistas eminentes de Derecho internacional de las Repúblicas suramericanas han hecho un prolongado y concienzudo estudio de la materia con referencia

particular a los asuntos americanos, siendo de lo más valioso el apoyo que pueden prestar al Instituto Americano. La tarea ulterior para llegar a la organización debe realizarse sin demora. Como dice Mr. Root en el párrafo final de su carta de instrucciones, los resultados que han de obtenerse no deben basarse en los términos de la vida individual, sino en los de la vida prolongada de las naciones, y de esto se dan perfecta cuenta nuestros amigos latinoamericanos; pero debiéramos aprovechar la oportunidad que nos presenta el entusiasmo actual para obtener los servicios de estos hombres distinguidos en favor de la causa por la cual el Instituto Americano aboga. Los Síndicos, creo yo, no podrían dedicar su actividad a una causa que estuviera destinada a producir resultados más fructíferos ni que apelara más poderosamente a las principales lumbreras de las Repúblicas suramericanas.

La proyectada Academia de Derecho Internacional de La Haya causó vivo interés. Creyóse que tal Academia, en donde se reunirán los principales delegados de los distintos gobiernos del mundo para el estudio del Derecho internacional bajo la dirección de profesores eminentes, ha de contribuir a una mayor uniformidad de opinión y a "normalizar", si se nos permite la frase, una ciencia que hasta ahora sólo se ha cultivado de manera productiva de opiniones diversas. No se hizo ningún esfuerzo para obtener que gobierno alguno se comprometiera a la proposición; el tiempo no se consideró oportuno todavía para ello. Mis instrucciones no tenían por objeto nada más determinado que indicar la atención de los distintos gobiernos hacia la oportunidad de participar en la proyectada Academia, pero estoy bien seguro, a juzgar por el interés general demostrado acerca de la materia y a juzgar por la aprobación expresada por los Ministros de Relaciones Exteriores, que cuando la proyectada Academia adquiera forma definitiva, los gobiernos de las cinco Repúblicas suramericanas que he visitado se aprovecharán seriamente de la oportunidad de participar en ella y que cada cual enviará a la misma uno o más representantes debidamente delegados.

En conversaciones sostenidas con los Ministros de Relaciones Exteriores de estos países, de acuerdo con mis instrucciones, promoví la cuestión del pronto nombramiento de comités nacionales para que discutan el programa de la próxima Conferencia de La Haya así como las ventajas que habrán de derivarse de la comunicación mutua de tales comités nacionales en América, a fin de que cuando se convoque la próxima Conferencia de la Paz los delegados puedan concurrir a la misma con mejor preparación y más unidos en sus opiniones acerca de los fines que hayan de realizarse que en la Segunda Conferencia de la Paz de La Haya. La índole de estas conversaciones privadas excluye la idea de darles apariencia pública, pero puedo decir que todos y cada uno de estos gobiernos aprecia la necesidad de que se proceda con prontitud.

La obra de la División de Economía e Historia de la Fundación formó parte del discurso principal pronunciado en cada ciudad y despertó mucho interés. Los historiadores suramericanos, que pueden prestar valiosos servicios a la División suministrándole datos a propósito de las causas y efectos de la multitud de guerras

que han afligido a las repúblicas del sur, así como con información histórica a propósito de las relaciones entre las naciones latinoamericanas, oyeron con placer el anuncio de la próxima visita a la América del Sur del Dr. Kinley como representante de esta División de la Fundación. Los bien conocidos trabajos del Dr. Kinley, su amistad hacia la América Latina y la misión que lleva, tengo la certeza que han de asegurarle la más cordial bienvenida y la valiosa asistencia de los economistas suramericanos.

El hecho de que sólo pudimos detenernos unos cuantos días en cada país haría presuntuoso que tratásemos de describir las relaciones sociales y políticas de las Repúblicas suramericanas. Cualquier opinión emitida a propósito de estos puntos se refiere a características bien conocidas y a hechos que se hacen evidentes aún durante la más corta permanencia en un país.

Al hablar de las Repúblicas de la América del Sur o al pensar en ellas nos hallamos excesivamente expuestos a caer en el error de considerarlas en conjunto. Los diez Estados separados que las forman son tan distintos como los países separados de Europa; los pueblos que las constituyen se diferencian en la raza, en los hábitos y en los ideales; sus gobiernos, aunque retengan la misma forma básica, a menudo son realmente distintos. Jamás avanzaremos gran cosa en el sentido de mejorar nuestras relaciones con las Repúblicas latinoamericanas, ya sean relaciones intelectuales o ya comerciales, mientras no nos hayamos familiarizado con las distintas naciones y por medio del estudio o por el contacto efectivo no hayamos aprendido a hacer las distinciones necesarias entre ellas. El verdadero conocimiento de nuestros vecinos no podremos obtenerlo sino por el conocimiento de la historia respectiva de cada una, de sus heroes, de las apopleyas de valor y perseverancia de cada república, y de las razas de que han surgido, naturales del país y europeas.

Ya ha pasado el día en que la mayoría de estos países, construyendo laboriosamente una estructura gubernamental con tremendas dificultades, eran inestables y vacilantes y se hallaban expuestos a caer de un momento a otro. En la actualidad las más importantes repúblicas se encuentran firmemente establecidas y no viven ya a la sombra de dictaduras ni de gobiernos inconstitucionales. Para usar de las palabras de Mr. Root, "ya han pasado de la condición de militarismo, de la condición de revolución, a la condición de industrialismo, a las sendas del comercio afortunado, y se están haciendo grandes y poderosas naciones." Con este desarrollo ha venido el progreso material y la prosperidad, atrayendo la atención del mundo hacia la América del Sur y asegurando su creciente grandeza en lo futuro.

Aunque el error surge de considerar a las naciones suramericanas en conjunto, hay ciertas características que en mayor o menor grado son comunes a todos estos pueblos. Todos son hospitalarios, todos son corteses, todos son sensibles, todos son orgullosos y todos son intensamente patrióticos. El que vaya olvidándose de estas cosas es seguro que ha de producir mala impresión entre ellos. Los que pertenecemos a las regiones del norte tradicionalmente somos más bruscos, y la brusquedad es extraña y ofensiva para estos descendientes de las razas políticas de la Península Ibérica. Su sensibilidad los hace resentir la crítica, aun-

que aceptan de buena gana las indicaciones que les hace la amistad sincera ; pero la actitud de superioridad, que a menudo asumen las personas irreflexivas de otras naciones, no produce entre ellos otra cosa que sospecha, desconfianza y desprecio.

Mucho se ha dicho de la rivalidad que existe entre las distintas repúblicas. Es sólo natural que el rápido progreso realizado por naciones situadas tan cerca las unas de las otras produzca un espíritu de aguda competencia en su marcha hacia la meta común de la grandeza. El mismo espíritu es evidente en casi todos los países del mundo. Los sentimientos que existen entre las distintas naciones debieran ser respetados por todos los que tratan con ellos, porque únicamente en ese sentido es que puede evitarse el no ofender por medio de una aparente parcialidad ; pero yo me inclino a creer que la charla descuidada de los que ignoran los hechos y de los que escriben y piensan y observan también descuidadamente ha exagerado en gran manera la naturaleza de este espíritu de competencia.

Sobre las grandes cuestiones concernientes al bienestar de todo el continente, sobre las materias relativas al adelanto de la humanidad en general y sobre los principios de derecho y de progreso, los pueblos de la América del Sur, o al menos aquellos con quienes estuve en contacto, bien puede decirse que están unidos. Ellos creen en ideales elevados y en sus esfuerzos por alcanzar estos ideales demuestran una solidaridad que se levanta por encima de todo sentimiento de rivalidad personal.

En todos los países que visité encontré siempre sentimientos de la más cordial amistad hacia los Estados Unidos. Las ocasionales manifestaciones públicas de los agitadores de la desconfianza suramericana acerca de nuestros verdaderos móviles carecen prácticamente de importancia si se comparan con el vehemente anhelo de entablar relaciones de lo más amistosas entre nuestros respectivos países expresado por los verdaderos directores de la opinión en todas partes.

Incumbe al pueblo de este país, pues, conducirse hacia los pueblos latinoamericanos con consideración y justicia de modo que no haya lugar a sospechas. Nuestra posición geográfica y nuestra asociación histórica han decretado que nuestros destinos no se separen. Tal ha sido la opinión de nuestros propios estadistas desde los tiempos de Monroe y tal fué la opinión de aquellos primitivos caudillos ilustres de la independencia suramericana. Yo creo que esta opinión la tienen también los caudillos suramericanos de hoy, no en el sentido de una alianza política, y ciertamente, en ningún sentido que entrafie la soberanía de ningún Estado interesado, sino como cuestión de política que se hace menester por nuestra mutua proximidad, nuestro aislamiento de otros continentes y nuestros ideales comunes de libertad. Todos, creo yo, debemos reconocer la fuerza del argumento en favor de nuestra independencia, pero cada una de las naciones americanas debiera tener cuidado de respetar escrupulosamente los derechos y sentimientos de las demás.

En lo que atañe a nuestra conducta no podemos hacer nada mejor que recordar e imitar los sentimientos de John Quincy Adams según los manifestara en su mensaje especial a la Cámara de Representantes, explicando el nombramiento de delegados a la Conferencia celebrada en Panamá :

El principio fundamental y principalísimo en que hemos creído acertado y justo colocar la primera piedra de nuestras futuras relaciones con ellas (las Repúblicas americanas hermanas) ha sido el desinterés; el segundo ha sido la cordial buena voluntad hacia ellas; el tercero ha sido el reclamar justa e igual reciprocidad.

Estos sentimientos que han constituido la "primera piedra de nuestras futuras relaciones," tienen tanta aplicación hoy día como en el momento en que fueron expresados, hace más de ochenta años.

## II. El Viaje

De todos los cambios que están rápidamente transformando las relaciones de la América del Sur con el resto del mundo, ninguno, quizás, sea tan aparente ni de interés tan inmediato para la América del Norte, como el mejoramiento de los medios de comunicación entre los dos continentes. Los pueblos del Norte y del Sur no se ven ya forzados por consideraciones de comodidad o de rapidez a visitarse mutuamente por la vía de Europa.

En la actualidad magníficos vapores hacen regularmente la travesía entre los Estados Unidos y los puertos principales de la costa oriental de la América del Sur, o entre los puertos de este país y el Istmo de Panamá, en donde puede efectuarse el enlace con los vapores de varias líneas dedicadas al comercio de cabotaje en el lado del Pacífico.

El viaje que hace algunos años se miraba como azaroso y lleno de penalidades se ha hecho hoy día un paseo agradable e interesante por mares singularmente libres de tormentas.

Estas condiciones favorables, que son tan poco conocidas del público en general, mejoran todos los años, y con la apertura del Canal de Panamá, este mejoramiento ha de continuar aumentando rápidamente.

Que nosotros embarcáramos en Lisboa hacia Río de Janeiro se debió a la circunstancia de que algunos habíamos regresado del Oriente y al hecho de que hubimos de celebrar una conferencia en París con el Dr. James Brown Scott, Secretario de la Fundación.

La semana en París la dedicamos a la preparación del material. Fué únicamente debido a la diligencia y devoción del Dr. Scott, generosamente secundado por el Dr. Alejandro Alvarez, de Chile, Secretario General del Instituto Americano de Derecho Internacional, que se hizo posible preparar en el corto tiempo de que disponíamos los artículos e informaciones esenciales para la realización del viaje.

Redactáronse proyectos de artículos en inglés y francés describiendo la formación, obra y propósitos de la Fundación Carnegie, así como de algunas de las gestiones y movimientos en que ésta se halla interesada, tales como el Instituto Americano de Derecho Internacional, la Academia de Derecho Internacional de La Haya, la Tercera Conferencia de La Haya y el Tribunal Permanente de Arbitraje de La Haya.

Debido a la bondad del Dr. Scott se nos suministraron muchos folletos destinados a nuestra propia información y a su distribución entre nuestros amigos de la América del Sur. Entre estos folletos se contaban los titulados:

Institut Américain de Droit International;

Projet de Statuts, for aid in the formation of national societies of International Law;

La Transformation de l'Arbitrage en Sentence Judiciaire, par James Brown Scott;

Le Mouvement Pacifique, par James Brown Scott ;

Discours d'Ouverture du XX Congrès Universel de la Paix, par J. de Louter ;

Del Baron d'Estournelles de Constant que se hallaba ausente de París, recibimos folletos descriptivos de la obra de la Asociación para la Conciliación Internacional, junto con las réplicas en bronce de la medalla de la Asociación.

M. Gabriel Hanotaux, ex-Ministro de Relaciones Exteriores de Francia y Presidente del Comité France-Amérique, retornó del campo a París a fin de prestar sus valiosos servicios, y fuí su huésped en un lunch en el cual calurosamente me manifestó su deseo de que yo obtuviese éxito en mi misión a la América del Sur. M. Hanotaux dejó nuevamente de manifiesto su cordial interés escribiendo varios artículos acerca del objeto de mi viaje, los cuales fueron publicados en el *Figaro* y en la *Revue France-Amérique*.

De París fuimos a Lisboa, dejando este punto el 23 de septiembre de 1913, en el Vapor "Araguaya", de la Royal Mail Packet. Nuestra expedición se componía del Juez Otto Schœnrich, Presidente de la Comisión Mixta de Reclamaciones de Nicaragua, la señora Schœnrich, Mr. W. R. Hereford, mi esposa, mi hija y yo.

Aunque el viaje a Río de Janeiro toma quince días, jamás se pierde de vista la tierra por más de cinco días consecutivamente. Las frecuentes escalas quitan al viaje toda posibilidad de monotonía. Entramos a Funchal, en la pintoresca isla de Madera y a San Vicente, puerto principal de las islas de Cabo Verde, antes de llegar a la costa del Brasil. El primer puerto de la América del Sur en que tocamos fué Pernambuco o Recife, próspera ciudad comercial donde se están llevando a cabo extensas mejoras a fin de que los buques de mayor calado puedan entrar a la bahía. El vapor ancló en la rada, desembarcando los pasajeros por medio de un canasto suspendido de una grúa y descargando por medio de lanchas, tarea que se hacía difícil por la rápida corriente y por la gran marejada que constantemente hay en este punto.

La primera impresión que recibimos de la actividad del Brasil moderno fué en Bahía en donde los miembros de nuestra expedición fuimos a tierra. En la ciudad, que es la tercera del Brasil en extensión y el punto principal de tráfico para el azúcar y el algodón, hallamos todas las indicaciones de la energía que esta transformando estas capitales brasileñas en ciudades modernas. Estaban levantándose calles, derrumbándose casas viejas, construyéndose nuevos e imponentes edificios en lugar de éstas, y extendiéndose o mejorándose los líneas de tranvías eléctricos. Aparentemente los gastos se consideraban muy poco en el deseo de realizar mejoras. Bahía constituye una revelación para los viajeros de las regiones del Norte tan propensos a considerar a los pueblos de los trópicos como si careciesen de energías y como si estuviesen demasiado satisfechos con una vida cómoda para hacer cambio alguno.



### En Río de Janeiro

Nuestra primera impresión en Río de Janeiro fué de aquellas que se graban eternamente en la memoria. Diríase que no hay quien pueda llegar a aquel maravilloso puerto sin recibir impresiones que no han de borrarse jamás. Nosotros tuvimos la buena suerte de pasar por la estrecha entrada precisamente después de haberse puesto el sol y echar el ancla en aquella bahía circular en el momento en que brillaban miles de luces en la ciudad, delineando el amplio arco de la playa y extendiéndose desde la línea de agua hasta las alturas detrás de la ciudad. La luna llena nos reveló las elevadas montañas oscuras de formas caprichosas que nos rodeaban, con el Pan de Azúcar, roca gigantesca que parece una cúpula, adorada de todo "fluminense", levantándose repentinamente de las aguas profundas nada más que a unos cuantos metros de distancia.

A la mañana siguiente temprano vino a bordo a recibirnos Mr. Butler Wright, Primer Secretario de la Embajada americana, y el señor Helio Lobo, de la Cancillería, que en nombre del Ministro de Relaciones Exteriores, Dr. Lauro Muller, nos dió la bienvenida oficial. Una hora más tarde tuve el honor de ser recibido en audiencia por el Dr. Lauro Muller que demostró la mayor cordialidad en sus manifestaciones de interés por la Fundación. Hacía muy poco que había retornado de su visita oficial a los Estados Unidos y expresó su reconocimiento por la recepción que se le había acordado en ellos, exteriorizando su deseo de prestar su apoyo a cualquier empresa que tuviese por mira el fomento de relaciones amistosas entre nuestros respectivos países.

El Dr. Muller dió aun mayor prueba de su legítimo interés en el éxito de mi misión delegando para que me ayudase al señor de Oliveira Lima, de cuyos valiosos buenos oficios constantemente dependí durante mi permanencia en Río de Janeiro. Hubiera sido difícil, si no imposible, haber encontrado a nadie con mejores títulos para ello que al señor de Oliveira Lima. Su larga y distinguida carrera diplomática en Europa lo han familiarizado con muchas de las materias en que la Fundación se halla interesada, añadiendo a esto un perfecto conocimiento científico entre las relaciones del Brasil y los Estados Unidos. Su valioso estudio reciente sobre este punto es bien conocido de los que reciben los folletos de la Asociación para la Conciliación Internacional. Las muchas amistades que el señor de Oliveira Lima posee en los Estados Unidos, sus conferencias que siempre se recuerdan en este país y su dominio del inglés y del francés todo contribuía a ponerlo peculiarmente en condiciones de prestar los invaluable servicios que prestara a la Fundación de la mejor buena voluntad.

El día de nuestra llegada visitamos al señor Ruy Barbosa, al Dr. Amaro Cavalcanti y a otros directores de la opinión pública en el Brasil. Es imposible exagerar el aliento que experimenté con el interés que manifestaron estos señores que tan perfectamente representaban a los hombres de Estado del país. En otro lugar he mencionado su valiosa asistencia y más adelante tendré la oportunidad de referirme a ella con más particularidad.

Durante mi permanencia en Río de Janeiro fuí huésped del Embajador americano, Mr. Edwin V. Morgan, el cual estuvo incansable en sus esfuerzos por proporcionarme la oportunidad de exponer los métodos y fines de la Fundación.

En la Embajada americana fué que pronuncié el primer discurso público sobre el objeto de mi visita. El Embajador había invitado a más de cien personas prominentes en la vida intelectual del Brasil. Poco antes de esta reunión me dió la bienvenida un comité del Instituto Histórico del Brasil, del cual es dignísimo Presidente, el Conde de Affonso Celso, en nombre de dicho Instituto que es una de las más antiguas sociedades científicas de América. El señor de Oliveira Lima, que sirvió de interlocutor del comité, pronunció un breve discurso en inglés ofreciendo el apoyo del Instituto a la causa de la amistad internacional.

En la reunión mayor en que el señor de Oliveira Lima me presentó con un discurso rebosando la más cordial simpatía, fué un gran placer exponer los fines de los Síndicos a hombres cuya influencia era tan poderosa en los asuntos del Brasil, porque el auditorio se componía de verdaderas lumbreras de la República en muchos ramos del esfuerzo intelectual.

El vivo interés que, desde el principio, se manifestó en favor de la Fundación quedó demostrado en la halagüeña solicitud del Ministro de Relaciones Exteriores y de otros que se hallaban presentes, de que yo pronunciase un discurso más detallado sobre el mismo tema ante un auditorio mayor, y, a pesar de la brevedad de nuestra permanencia en Río de Janeiro hicieron los preparativos necesarios para la celebración de una reunión dos días más tarde en la Biblioteca Nacional; reunión que se celebró bajo los auspicios combinados de la Academia Brasileña y del Instituto de la Orden de Abogados. Fuí presentado por el señor Ruy Barbosa. El prominente lugar que ocupa en el Brasil el señor Ruy Barbosa, los grandes servicios que prestara en la Segunda Conferencia de la Paz de la Haya y su reconocida autoridad, quizás, nos justificarán en considerarle en esta ocasión como el vocero del país. En un discurso de brillantez y elocuencia excepcionales, en que hiciera un elevado elogio de Mr. Root y del Dr. Scott, manifestó el aprecio y profundas simpatías que le merecían la obra humanitaria a que se dedican los Síndicos de la Fundación. Después de su simpática presentación fué realmente un privilegio para mí el exponer al distinguido auditorio que llenaba la inmensa sala de la Biblioteca Pública, los ideales de la Fundación y los métodos prácticos por los cuales trata de alcanzar sus fines.

En un té con que nos obsequiaran el Ministro argentino, Dr. Lucas Ayarragaray y su señora en la Legación de la Argentina y en otra tarde en que tomamos té con el señor Alfredo Irrarazábal, Ministro chileno, en el Pão d'Assucar, tuvimos el placer de conocer a los miembros del cuerpo diplomático y a muchos residentes de Río de Janeiro. Una noche cenamos con el señor de Figueiredo y su señora, y tuvimos una comida con Mr. F. Percival Farquhar, un lunch con el Cónsul General, Mr. Lay y su señora, y lunchs, comidas y baile en la Embajada; de suerte que a pesar de lo

corto de nuestra estadía, hicimos muchos agradables conocimientos y frecuentamos no poco el trato de la sociedad de la capital brasileña, llevándonos con nosotros la eterna impresión de su cultura y de su encanto.

El día antes de la reunión en la Biblioteca Pública, el Dr. Lauro Muller me obsequió con un lunch en el Palacio Itamaraty, que es en donde está instalado el Ministerio de Relaciones Exteriores; palacio encantador y que posee una extraordinaria biblioteca. Al lunch asistieron varios convidados, principalmente diplomáticos y jurisconsultos brasileños.

Por la tarde tuve el honor de ser recibido en audiencia por el Presidente del Brasil, Marshal Hermes da Fonseca.

Los intervalos entre estos actos, cuando no los dedicamos a la preparación de discursos, los consagramos a celebrar entrevistas con los señores Ruy Barbosa, Amaro Cavalcanti, Presidente del Tribunal Supremo, J. C. de Souza Bandeira, Oliveira Lima y otros, que con inagotable cortesía dedicaron su tiempo y energías a tratar de la formación de una sociedad nacional de Derecho internacional y que, a instancias del Ministro de Relaciones Exteriores, emprendieron su organización.

En lo que se refiere a la sociedad para la conciliación, que habrá de afiliarse a la sociedad principal establecida en París y a la sociedad de Nueva York, tuvimos la mayor fortuna en obtener el asentimiento del Dr. Helio Lobo, del Ministerio de Relaciones Exteriores, para que hiciera las veces de Secretario Honorario. Su aceptación de este cargo fué inmediatamente teleografiada al Director de la División de Relaciones y Educación, Dr. Butler, a fin de que pudiera darse comienzo sin demora a la organización de la sociedad local en Río de Janeiro.

Las disertaciones preparadas para su distribución y como base de interviews o de artículos en los periódicos y revistas y que hicimos imprimir en Río de Janeiro en forma de folleto, fueron las siguientes:

- a) En francés, notas para un discurso sobre los fines de la Fundación y de la misión.
- b) En español, notas para un discurso sobre los fines de la misión.
- c) En español, notas para un discurso sobre el Instituto Americano de Derecho Internacional y Sociedades Nacionales de Derecho Internacional.
- d) En español, notas para un discurso sobre la Asociación para la Conciliación Internacional.
- e) En español, notas para un discurso sobre la proyectada Academia de Derecho Internacional de La Haya.
- f) En español, notas para un discurso sobre los Comités Nacionales para la próxima Conferencia de La Haya.
- g) En español, notas para un discurso sobre la División de Economía e Historia y la misión del Profesor Kinley.
- h) En español, notas para un discurso sobre el proyectado Tribunal de Justicia Internacional.
- i) En español, notas sobre la organización y fines de la Fundación Carnegie para la Paz Internacional.

Los periódicos de Río de Janeiro, sin excepción alguna, evidenciaron el mayor interés en el objeto de mi visita, e insertaban todos los días prolongados artículos conteniendo grabados y conspicuos epígrafes que despertaban en nosotros reminiscencias extraordinarias del espíritu de empresa e ingeniosidad de nuestros periódicos, con la diferencia, sin embargo, de que, según me veo obligado a indicar en gracia de la información general, los periódicos de toda la América del Sur despliegan un cuidado y exactitud a que nosotros, desgraciadamente, no estamos acostumbrados, y tratan de interesar a sus lectores en las ideas de los hombres, más bien que en sus personalidades. En los anexos hemos coleccionado copias de algunos de los principales artículos periodísticos relativos a nuestra visita al Brasil, Argentina, Uruguay, Chile y Perú.

El día que salimos de Río de Janeiro tuve el placer de encontrarme de nuevo con el Dr. Rodríguez, distinguido director del *Jornal do Commercio*, que hasta aquella mañana había estado ausente de la capital. El Dr. Rodríguez se mostró de lo más complaciente y me dijo que se proponía publicar en su periódico algunos artículos descriptivos de la obra de la Fundación en la cual se hallaba muy interesado.

Nuestra visita a Río de Janeiro se limitó a cuatro días. Es, desde luego, improbable que en tan corto período pudieran formarse opiniones dignas de mencionarse en lo que respecta al pueblo o a las condiciones políticas o económicas del país; pero las primeras impresiones del viajero generalmente poseen, por lo menos, el valor de una definición precisa.

En lo que se refiere a la belleza de la capital no podría desde luego existir diferencia de opinión alguna. Las maravillosas condiciones sanitarias de Río de Janeiro son de lo más extraordinario. Parece imposible que este lugar haya sido en otro tiempo un foco espantoso de infección y fiebres. Hoy día la ciudad se mantiene escrupulosamente limpia; las calles se hallan tan bien conservadas que es una rareza encontrar ninguna de ellas en malas condiciones. Las enfermedades epidémicas han desaparecido y el tanto por ciento de mortalidad es uno de los más reducidos del mundo. Río de Janeiro es tan saludable que la mayor parte de sus habitantes en la actualidad se quedan en la capital durante los meses calurosos de diciembre, enero y febrero, en vez de huir a las montañas según acostumbraban hacerlo en otro tiempo.

La impresión que recibimos y que en mi opinión ha de recibirse aún durante la más breve estadía fué la de una ciudad y país y pueblo llenos de promesas para lo futuro. La inmensidad del territorio y de su inestimable riqueza, sirven de estímulo a la imaginación.

El pueblo es enérgico y patriótico. Por naturaleza y tradición es hospitalario y cortés y da expresión libre a los sentimientos de amistad que abraza para con los Estados Unidos. Seguramente la hospitalidad que se nos demostró no podía haber sido más cordial ni más halagüeña. Al dejar a Río de Janeiro no pudimos por menos que lamentar el tener que separarnos de aquellos a quienes en unos cuantos días habíamos venido a considerar como amigos.

### En Argentina

El viaje por mar de Río de Janeiro a Buenos Aires dura cuatro días. Hace poco que se abrió el ferrocarril del Sur, de suerte que ahora es posible ir por tierra hasta Montevideo. Nuestro Embajador, Mr. Morgan, acababa de hacer este viaje y se mostró entusiasmado acerca de los interesantes panoramas que se descubren desde las ventanillas del tren en la parte sur del Brasil, pero ya nosotros habíamos decidido ir a Buenos Aires por mar y no podíamos fácilmente hacer el cambio.

El viaje lo hicimos en uno de los nuevos vapores de la Royal Mail Steam Packet Company, el "Andes", vapor grande y bien equipado, del tipo que requiere el creciente tráfico de carga y pasajeros entre Europa y Sur América.

El vapor no entró al puerto de Montevideo sino que se detuvo en la rada abierta frente a la ciudad lo bastante para permitir el desembarco de pasajeros. Aunque ya eran las diez de la noche cuando el "Andes" atracó al muelle en Buenos Aires, hallamos que nos esperaban el Mayor Shipton, Agregado Militar de la Legación, un representante del Ministerio de Relaciones Exteriores, señor Barilari, el cual nos dió la bienvenida oficial, y varios de nuestros amigos de la Argentina. Los miembros de mi familia y yo fuimos llevados en coche a la casa de Mr. John Work Garrett, Ministro americano, con el cual estuvimos durante nuestra permanencia en Buenos Aires. Aun por la noche y a pesar de la lluvia que caía, el trayecto desde el río hasta la morada del Ministro nos daba pruebas inequívocas de la gran extensión e importancia de la ciudad de cuyas maravillas habíamos oído hablar tanto. La comparación que de ella se hace con París no es un esfuerzo de la imaginación ni una hipérbole del orgullo local. Esa comparación surge tan naturalmente que se hace inevitable. Una y otra vez durante nuestra permanencia todos nos vimos poseídos de la ilusión de que realmente no nos encontrábamos en la Argentina sino en París.

El día siguiente a nuestra llegada lo empleamos en celebrar entrevistas con el Dr. Ernesto Bosch, Ministro de Relaciones Exteriores, el Dr. Luís M. Drago, el Dr. E. S. Zeballos y otros argentinos distinguidos, los cuales bondadosamente me ofrecieron sus consejos y prestaron su activo apoyo para llevar a cabo la obra de la Fundación. Por la tarde visité al Dr. Bosch, el cual me presentó al Dr. Victorino de la Plaza, Vicepresidente de la República, que por largo tiempo ha ocupado un lugar prominente en los asuntos de la Argentina. El Dr. de la Plaza habla el inglés perfectamente y no pierde ocasión de expresar su amistad hacia los Estados Unidos. Todavía recuerda vívidamente las dos visitas que ha varios años hizo a este país, y desde entonces, en sus estudios, ha seguido tan cuidadosamente nuestro progreso que se halla familiarizado con el desarrollo de nuestra república. Es su deseo visitar nuevamente a los Estados Unidos, y del beneficio que nuestro pueblo derivaría de la presencia de un estadista tan representativo de su nación es aparante; pero sus deberes oficiales exigirán su presencia en la Argentina todavía por algunos años, de suerte que la perspectiva de semejante visita es, desgraciadamente, bastante remota.

Mientras estuvimos en Buenos Aires, el Dr. Saenz Peña, distinguido Presidente de la Nación Argentina, se vió detenido en su casa de campo a causa de enfermedad, de modo que no tuve el placer de renovar nuestro conocimiento iniciado en París.

El día de nuestra llegada por la tarde el Dr. Ernesto Bosch y señora, a quienes habíamos conocido en Francia cuando el Dr. Bosch era el Ministro de la Argentina en dicho punto, y que fueron sumamente bondadosos y hospitalarios para con nosotros durante nuestra permanencia en la Argentina, dieron una recepción en honor de mi señora y de mi hija personalmente, en la cual tuvimos el placer de conocer a muchas personas prominentes en la esfera diplomática y social de la capital.

Por la noche cené con el Dr. E. S. Zeballos en su morada y en la más distinguida compañía de los hombres públicos, diplomáticos, juristas y educacionistas, los cuales manifestaron un vivo interés en la obra y fines de la Fundación. El Dr. Zeballos pronunció un breve discurso al cual respondí, refiriéndome a las declaraciones de Mr. Root durante su memorable visita como doctrina de simpatías y buena inteligencia, de bondadosa consideración y de obligación honrosa. La visita de Mr. Root en 1906, así como sus manifestaciones públicas, continúan vívidamente impresas en la memoria de los hombres principales de la Argentina en grado no menor que en el Brasil y a medida que proseguí en mi viaje encontré que en todas partes existían la misma simpatía hacia él y la misma confianza en la sinceridad y potencia de su amistad hacia nuestras hermanas las Repúblicas del Sur.

Al día siguiente fuimos obsequiados con un lunch en la Legación alemana por nuestros antiguos amigos el Baron y la Baronesa von dem Bussche.

Antes de abandonar a Río de Janeiro fuí invitado a pronunciar un discurso ante la Facultad de Derecho de la Universidad de Buenos Aires, efectuándose la reunión aquella misma tarde en uno de los salones de la Universidad. En ella el Dr. Drago me presentó a un auditorio compuesto de varios cientos de personas, las cuales a pesar de la índole algo técnica de la materia de que trataba, prestaron la mayor atención a mis palabras. El discurso fué substancialmente una combinación de los dos que ya había pronunciado en Río de Janeiro, porque pronto me di cuenta de que el público prefería que se le hiciera una descripción general de la obra y fines de la Fundación más bien que oír un discurso que se limitara a tratar de cualquiera de las gestiones que alienta o apoya.

Por la noche se celebró en la Cancillería de la Legación americana una reunión sin carácter oficial de los alumnos suramericanos y norteamericanos de las Universidades de los Estados Unidos, miembros del University Club de Buenos Aires, del cual era Presidente nuestro Ministro, Mr. Garrett. Pronunciáronse brindis en los que se hicieron manifestaciones de bienvenida y buena voluntad, en el mismo carácter general que animaba a la reunión, de la cual no se dejó otra constancia que la que quedaba en los recuerdos de aquellos que en esta tierra tan distante de las regiones del Norte se habían reunido fraternalmente

atraídos por el vínculo común de un alma mater situada en una república tan distante de las regiones del Sur. Esta reunión producía una agradable sensación de optimismo y seguridad de la amistad futura de nuestros países respectivos. Por lo regular nos hallamos inclinados a valorar muy poco la gran obra realizada por tales organizaciones sociales como el University Club de Buenos Aires. Ellas constituyen realmente factores importantes en las relaciones de los países y es de esperarse que cuando se lleven a cabo los proyectados cambios de profesores y estudiantes bajo los auspicios de la Fundación se hará un esfuerzo por organizar sociedades análogas en aquellos puntos en que sea posible.

Siempre conservaré en la memoria la impresión de la visita que al siguiente día hicimos a varias escuelas públicas. Mientras las señoras de nuestra expedición con la señora Rodríguez Larreta, Presidenta de la admirable organización de beneficencia de Buenos Aires, que es una de las instituciones más eficientes de su clase en el mundo, visitaban los hospitales y casas de beneficencia, descubriendo algo de la generosidad y devoción de las señoras de Buenos Aires, Mr. Garrett y yo visitamos las escuelas públicas en unión del señor Carlos Ibarguren, Ministro de Instrucción Pública, y del Dr. Pedro Arata, Presidente del Consejo Nacional de Educación.

Las escuelas públicas de Buenos Aires son modelos de los cuales podría sentirse orgulloso cualquier país. Ellas han despertado la admiración de observadores tan distinguidos como James Bryce y M. Clemenceau. Se ha dicho que la Argentina gasta más dinero en la educación de sus niños que ningún otro país del mundo con la excepción de Australia, y fácilmente puede creerse si sus escuelas por lo general poseen la excelencia de las que hemos tenido el placer de ver. Para el visitante de los Estados Unidos es motivo de orgullo recordar el hecho de que el gran Sarmiento, fundador del sistema educacional de la Argentina, fué íntimo amigo personal de Horace Mann, y recibió su inspiración en gran manera de su amistad.

El tiempo limitado de que disponíamos en Buenos Aires hacía imposible todo lo que se pareciese a un estudio de las condiciones educacionales de la República y las observaciones que yo pudiera hacer necesariamente no serían más que la reflexión de opiniones de otros viajeros que las han expresado mejor, y de los historiadores del país que han tratado de la materia de un modo completo y autorizado, pero vimos lo bastante para llenarnos de admiración. Hallamos que el inglés se enseña generalmente y nos causó una impresión indeleble oír el himno nacional de los Estados Unidos cantado en inglés por los niños de las escuelas, y vernos saludados en nuestro propio idioma sin falta alguna por aquellas niñas y niños que los demás habían elegido para que nos diesen la bienvenida. Nada, creo yo, podía habernos emocionado más profundamente.

El señor Ibarguren fué nuestro anfitrión más tarde en el imponente Jockey-Club en un lunch en que conocimos a muchos hombres prominentes en los asuntos de la República. Por la tarde visitamos los salones del Congreso, edificio de

mármol que acaba de terminarse y que, en su belleza arquitectónica presenta reminiscencias de nuestro Capitolio en Wáshington.

Al señor Joaquín Anchorena, Intendente de Buenos Aires, estamos reconocidos por muchas atenciones, entre ellas un recorrido de la ciudad a la mañana siguiente, en que tuvimos la oportunidad de ver algunas de las magníficas nuevas avenidas y parques de la capital. Inspeccionamos el extenso ferrocarril subterráneo que acababa de terminarse y también fuimos con el señor Anchorena, que en gran manera merece crédito por muchas de estas importantes obras públicas, a la estancia municipal modelo y en ella probamos por primera vez el maté, o té del Paraguay, que, aunque escasamente conocido en Europa y en los Estados Unidos, constituye un artículo del mayor consumo en algunas de las Repúblicas suramericanas, siendo así que la Argentina solamente importó en 1909, 43,161 toneladas de maté procedente del Brasil.

Almorzamos con el Vicepresidente, Dr. de la Plaza, en su residencia, en donde había reunido unos veinte hombres públicos, y en esta, como en otras ocasiones, hallamos gran interés en la obra de la Fundación. El Dr. de la Plaza pronunció un corto discurso, en el cual manifestó oficialmente este interés y apoyo, refiriéndose particularmente a Mr. Root y empleando la frase en inglés que yo había usado en la comida dada por el Dr. Zeballos al hablar de la doctrina de Root. Las manifestaciones del Vicepresidente fueron hechas sin que se tomara nota de ellas, y, desgraciadamente no pudimos obtener su transcripción palabra por palabra.

La tarde la dedicamos a hacer varias visitas sin carácter oficial y por la noche fuimos a la morada del Dr. Ezequiel Ramos Mejía, ex-miembro del Gabinete y uno de los hombres de más importancia en la Argentina, el cual, en unión de su amable esposa, nos obsequió con una recepción.

Al día siguiente almorzamos en las carreras de caballos con el señor Jorge Mitre, propietario y director de *La Nación*, que es uno de los grandes, activos e importantes diarios argentinos que forman la admiración del mundo periódico. Este día era uno de esos importantes en el calendario de los deportes y el Vicepresidente y casi todos los demás funcionarios del Gobierno concurrieron a las carreras de caballos. El espectáculo nos hizo recordar uno de los grandes días de Longchamps. Más tarde, fuimos con el Dr. Bermejo, el Dr. Ibarguren y el Dr. Aldao, a un Congreso de Niños, en donde cientos de niños espléndidamente adiestrados hicieron ejercicios gimnásticos. Por la noche tomamos el vapor "Eleo" con dirección a Montevideo, habiendo venido a despedirnos al muelle el señor Barilari, del Ministerio de Relaciones Exteriores, Mr. Garrett, el Mayor Shipton, el Teniente Whitlock y otros amigos.

Ya hemos dicho lo bastante en este relato acerca de nuestra visita a Buenos Aires para indicar la extrema cordialidad con que fuimos recibidos. La impresión que nos causara en el Brasil la amistad del pueblo de Sur América hacia los Estados Unidos se vió confirmada y robustecida en la Argentina. A pesar del objeto extraoficial y del carácter privado de nuestra misión, los periódicos de-



dicaron diariamente sendas columnas a describir todo lo que hicimos, reproduciendo en su totalidad los discursos pronunciados y publicando varios artículos descriptivos del objeto y fines de la Fundación. La índole algo científica de estos artículos, la falta de todo lo que pudieramos llamar efectista en el tema mismo, nos induce a la creencia de que los periódicos meramente reflejaron el amistoso interés del público en la obra que los Síndicos tratan de realizar.

Este interés fué notable entre aquellos con quienes tuve la oportunidad de cambiar impresiones. Siempre encontramos cooperación inmediata entre los principales ciudadanos y un poderoso comité fué debidamente autorizado por el Ministro de Relaciones Exteriores al propósito de organizar una sociedad nacional de Derecho internacional. Este grupo de hombres comprendía los que con sus consejos me habían estimulado tanto, a saber: el Dr. Antonio Bermejo, Presidente de la Corte Suprema, el Dr. Eduardo Bidau, de la Facultad de Derecho de la Universidad de Buenos Aires, el Dr. Eufemio Uballes, Rector de la Universidad de Buenos Aires, el Dr. Luís M. Drago, y el Dr. E. S. Zeballos.

Discutióse la organización de una sociedad nacional para la conciliación internacional y los señores con quienes hablé estuvieron enteramente conformes con sus propósitos. El Dr. Benjamín García Victorica aceptó el puesto de Secretario Honorario y fué puesto inmediatamente en relación con el Dr. Butler. La obra de la organización procederá rápidamente bajo la dirección del Dr. García Victorica y la asociación principal para la conciliación internacional establecida en París, así como la establecida en Nueva York, creo yo, hallarán un valioso auxiliar en la de Buenos Aires.

Se ha dicho tanto del verdadero desarrollo maravilloso de la República Argentina que mi testimonio no puede añadir sino muy poco para que los Estados Unidos se den cuenta del rápido progreso de la Argentina y del importante lugar que ella ocupa entre las naciones. Su historia reciente ofrece muchos extraordinarios paralelos con la nuestra y no pocos de los problemas que se suscitan son los mismos con que hemos tenido que luchar nosotros o con que en la actualidad estamos luchando. Los inmensos recursos naturales de la Argentina, que tiene un área de más de un millón de millas cuadradas o alrededor de la tercera parte de los Estados Unidos propiamente dichos, la virilidad e industria de su pueblo y la ilustración, habilidad y patriotismo de sus hombres públicos no ofrecen duda alguna de la futura grandeza de la República.

Todo indica inequívocamente el creciente comercio entre la Argentina y los Estados Unidos y, lo que es más importante todavía, las íntimas relaciones intelectuales. Es esencial que lleguemos a una mejor inteligencia, y es augurio feliz para lo futuro que al tratar de hacer esto, la Fundación logre que sus planes sean aprobados y sostenidos por aquellos eminentes directores argentinos que en tan gran medida han contribuído al presente adelanto de su país.

### En Uruguay

El Río de la Plata en Buenos Aires es realmente un brazo de mar, de suerte que Montevideo, aunque "al otro lado del río", dista ciento diez millas de la ciudad Argentina y el viaje entre las dos capitales requiere unas diez horas.

Aguardando la llegada del vapor nos encontramos con el señor Fermín Carlos de Yérequi, del Ministerio de Relaciones Exteriores del Uruguay, que nos dió la bienvenida oficial, y a nuestro Ministro Nicolay Grevstad, que, durante los dos días que estuvimos en Uruguay fué de lo más atento y servicial. Habíase formado un comité de recepción compuesto del Dr. Pablo de María, Presidente de la Corte Suprema, el Dr. Claudio Williman, Rector de la Universidad de Montevideo y ex Presidente del Uruguay, el Dr. Ildefonso García Lagos, Presidente del Comité Central Uruguayo de la Asociación Americana de la Paz, el Dr. Julio Bastos, Presidente del Ateneo y el Dr. Carlos M. Prando, y debido a sus buenos oficios y a los de Mr. Grevstad conocí a los hombres del Uruguay con quienes tanto deseaba relacionarme.

Montevideo es una ciudad mucho más pequeña que Buenos Aires, alrededor de una tercera o cuarta parte en extensión, pero posee toda la dignidad de una grande e importante capital, además del encanto individual que las ciudades pequeñas a menudo retienen. Montevideo posee avenidas amplias, bien pavimentadas y bien alumbradas, con atractivos edificios y con muchos establecimientos interesantes. La ciudad está bien equipada de tranvías eléctricos modernos. Las plazas y parques públicos de extremada belleza añaden al encanto del lugar que atrae a muchas personas de Buenos Aires durante los meses del estío. En los alrededores existen deliciosos resorts cerca del mar que se encuentran a poca distancia de la ciudad y ofrecen puntos agradables de recreo para los montevideanos. Al oeste se halla el famoso Cerro, gran loma en forma de cono adorada de los habitantes de la ciudad, que a menudo van a ella para gozar de la vista que desde allí se obtiene del río y del puerto con sus muelles y sus diques. En la bahía, ya excelente, aunque demasiado pequeña para el comercio del puerto, se están haciendo extensas mejoras.

La primera mañana la empleamos en hacer una visita al Ministro de Relaciones Exteriores, señor Emilio Barbaroux, el cual me presentó a varios eminentes educacionistas y publicistas con quienes discutí el objeto de mi visita, pidiéndoles su colaboración, que de buena gana me facilitaron.

Fuimos a un lunch dado por el Ministro americano, en el cual había unos veinte distinguidos residentes de Montevideo. Mr. Grevstad pronunció en español un corto discurso de bienvenida, al cual respondí.

La tarde la pasamos en el Ministerio de Relaciones Exteriores con el señor Barbaroux y varios caballeros que él había invitado para presentarme a ellos en dicho lugar. Tratamos de la cuestión de un comité para organizar una sociedad nacional de Derecho internacional. Todos los señores presentes se entregaron de la manera más seria a la discusión y convinieron en prestar sus servicios

en el comité que por el momento se constituyó sin carácter oficial que incluía al señor Emilio Barbaroux, Ministro de Relaciones Exteriores; al Dr. Pablo de María, Presidente de la Corte Suprema; al Dr. Ildefonso García Lagos, Presidente del Comité Central Uruguayo de la Asociación de la Paz; al Dr. Juan Zorrilla de San Martín; al Dr. José Pedro Varela; al Dr. José Cremonessi; y al Dr. Daniel García Acevedo. Este grupo se quería que formase la base para la organización de una sociedad permanente.

Por la noche y ante un extenso y extremadamente simpático auditorio reunido en el Ateneo, el Dr. Juan Zorrilla de San Martín, orador de reputación internacional, pronunció un brillante discurso en el que expresó la aprobación de los uruguayos de la obra de la Fundación Carnegie y en el que hizo más particularmente una descripción laudatoria del Instituto Americano de Derecho Internacional. Es motivo de profunda pena que no haya exacta constancia del elocuente discurso del señor San Martín por haber hablado sin llevar notas y sin que hubiese un taquígrafo presente, pero, en una carta que acabo de recibir de Mr. Grevstad, me es grato decir que me da seguridades de que el señor San Martín, a mi ruego urgente, tratará de escribir un valioso estudio reproduciendo el discurso al extremo en que la memoria se lo permita. Después de la simpática introducción del señor San Martín hice uso de la palabra por algún tiempo, exponiendo en detalles los métodos y fines de la Fundación según los había expuesto en Buenos Aires.

Casi toda la mañana siguiente la empleamos en el Ministerio de Relaciones Exteriores. El señor Barbaroux demostró el más constante interés en los numerosos puntos mencionados en mi carta de instrucciones sin que me sea posible expresar lo suficiente mi profundo agradecimiento hacia él. Nuestra permanencia en Montevideo se limitó a unas cuantas horas. Desgraciadamente tenía que ser así. Nosotros hubiéramos querido estar más tiempo, y el hecho de que hubiéramos podido realizar lo que realizamos fué debido del todo a la ayuda del señor Barbaroux y de sus amigos, a Mr. Grevstad y a los miembros del comité de recepción.

Por la tarde tuve el honor de ser presentado a Su Excelencia el Presidente, señor Batlle y Ordoñez, y me sentí impresionado, en la audiencia necesariamente corta que me dispensara, por su entereza, por lo familiarizado que demostró hallarse con los temas que yo había venido a tratar y por su simpatía hacia el objeto de mi visita.

El Presidente Batlle vive a corta distancia de la ciudad y regresamos en coche de su hermosa quinta a la capital y al Prado, magnífico parque de Montevideo, en donde se daba un té en nuestro honor bajo los hospitalarios auspicios de los miembros de la colonia americana e inglesa de Montevideo. Del té fuí a la morada del Dr. Ildefonso García Lagos y siempre recordaré la media hora de conversación encantadora que tuve con él. A pesar de la edad y de su ceguera, el Dr. García Lagos, que, en 1899, fué delegado a la Primera Conferencia Panamericana celebrada en Wáshington, ha continuado

interesándose en la amplia obra internacional y humanitaria en que por tan largo tiempo ha mantenido su puesto de avanzada. No se detuvo a considerar su conveniencia personal cuando el señor Barbaroux lo invitó a reunirse con nosotros en el Ministerio de Relaciones Exteriores, sino que abandonó su casa para hallarse presente, ofreciéndonos el beneficio de su experiencia y valiosos consejos.

Aquella noche se nos dió un banquete en el Club Uruguay por el Ministro de Relaciones Exteriores, en donde conocimos a hombres y mujeres de prominencia en la vida de la capital. Oímos muchas expresiones de cordial simpatía hacia el objeto de nuestra visita y esto fué voceado oficialmente en un corto discurso pronunciado por el Ministro de Relaciones Exteriores.

A fin de tener la oportunidad de conocer de este agradable modo a las personas con quienes deseábamos relacionarnos, el vapor que había de llevarnos a Buenos Aires fué detenido en su salida por una hora o más y ya era cerca de la media noche cuando abandonamos el Club Uruguay. El Ministro americano, los miembros del Comité de Recepción y el señor de Yérequi, del Ministerio de Relaciones Exteriores, nos acompañaron al vapor para decirnos adiós y aumentar por medio de esta última atención el profundo sentimiento de gratitud que ya nos había inspirado tan hospitalaria acogida.

Nos parece poco menos que extraordinario que en los dos días que estuvimos en el Uruguay hubiéramos de recibir impresiones que se grabaran firmemente en nuestra memoria, pero no podemos olvidar la amistosa recepción que se nos dispensara ni podemos expresar de modo apropiado nuestro agradecimiento por la cordialidad y hospitalidad que marcaron nuestra visita a Montevideo. Hubiera sido imposible que nuestros anfitriones hicieran más de lo que hicieron para atestiguar su interés.

El Uruguay ocupa un puesto tan honroso e importante entre las naciones de América que es particularmente satisfactorio saber que la Fundación cuenta con la aprobación y apoyo de sus principales ciudadanos pertenecientes a la vida pública y privada. Alguien ha descrito bien a Montevideo diciendo que es La Haya americana a causa de los muchos congresos y conferencias internacionales que se celebran en él. Gran número de estas reuniones tienen por mira el mejoramiento de las condiciones presentes de la humanidad. Todo lo que tiende a levantar la humanidad, todo lo que significa progreso en la marcha de la civilización, encuentra un apoyo cordial en el progresista Uruguay. Más de un historiador ha indicado que la mayoría de los directores en el progreso del mundo procede de las naciones pequeñas. El Uruguay, aunque la más pequeña en extensión de las repúblicas suramericanas ocupa un puesto de honor y consecuencia que no depende de su tamaño sino de la inteligencia, del adelanto y del patriotismo de sus hijos. Aunque la más pequeña de las naciones del continente del Sur, es tan grande como toda Nueva Inglaterra incluso el estado de New Jersey y, según alguien ha dicho, no tiene una sola hectárea de terrenos estériles en toda su extensión. Comercial y materialmente se desarrolla con

rapidez, participando en la gran prosperidad y progreso que ha venido a estas Repúblicas del Sur en estos últimos años. Hay razón sobrada para creer, y es causa de congratularse, que la obra de cooperar con la Fundación ya empezada en el Uruguay se continúe con los más satisfactorios resultados.

### En Chile

Todavía nos quedaba a nuestro regreso a Buenos Aires un día de completa ocupación. Celebramos entrevistas con el Ministro de Relaciones Exteriores, señor Bosch y otros que nos habían manifestado el mayor interés en los fines de la Fundación, hicimos una visita bajo la dirección personal del Dr. Adolfo Mugica, Ministro de Agricultura, al Museo Agrícola, en donde vimos muestras extraordinarias de algunas de esas cosas que han hecho a la Argentina una gran nación y, por la noche asistimos a una comida dada en la Legación.

A la mañana siguiente temprano emprendimos el viaje hacia el otro lado del continente, a cuyo efecto el Presidente había puesto su coche particular a nuestra disposición, habiendo delegado el Gobierno al señor Cortázar, del Servicio de Ferrocarriles, para que nos acompañase. En la estación había muchos de nuestros amigos que habían venido a darnos la despedida. Mr. Garrett, el Mayor Shipton, el Agregado Militar, el señor Bosch y señora, el señor Green y señora, el Dr. Joaquín de Anchorena, el Dr. Larrain, el Ministro chileno, el señor Barilari, del Ministerio de Relaciones Exteriores, y otros más que habían hecho mucho para que nuestra permanencia en Buenos Aires nos fuera tan agradable que se nos quedara grabada para siempre en la memoria.

Durante todo el día viajamos en línea recta hacia el oeste a través de una pradera de maravillosa riqueza, en la cual pastaban inmensos hatos de ganado vacuno y caballar. Mares aparentemente ilimitados de trigo y alfalfa ondeaban a lo lejos en toda la extensión que podía abarcar la vista. Nadie que haya realizado ese viaje a través de las pampas necesita que se le haga ninguna explicación ulterior de la prosperidad que tan rápidamente ha empujado a la República Argentina a un lugar principalísimo entre las naciones del mundo.

Llegamos a Mendoza, ciudad situada en las faldas de los Andes, poco después del amanecer, y allí pasamos a un tren especial de vía estrecha que remonta entre un imponente panorama las montañas a una altura de cerca de 10,500 pies. Durante el ascenso descubrimos el Aconcagua, la montaña más alta del hemisferio occidental. Cerca de la cresta se ha abierto un túnel hacia la vertiente occidental, eliminándose así el viaje a lomo de mula de hace unos cuantos años. Mucho se ha escrito de las penalidades de este viaje por ferrocarril a través de los Andes, pero ninguno de nosotros experimentó ninguna incomodidad. El descenso por el lado chileno ofrece panoramas distintos de los que se descubren en la parte oriental de las Cordilleras. Las montañas son menos estériles y por esa razón quizás son menos escabrosas, aunque el descenso es más precipitado que el ascenso. Las gargantas y desfiladeros son más estrechos y parecen más profundos, y a medida que el tren da vueltas y

más vueltas en su descenso se descubren panoramas admirables de gran extensión y que demuestran la gran fertilidad del país.

En los Andes cambiamos nuevamente al ferrocarril de vía ancha y continuamos nuestro viaje en un coche especial suministrado por el Gobierno chileno. Mr. Harvey, nuestro Encargado de Negocios en Chile se unió a nosotros poco después. Llegamos a Santiago a eso de las diez y media de la noche; pero a pesar de lo avanzado de la hora, vinieron a saludarnos un gran número de personas, incluso representantes del Gobierno y miembros del Comité de Recepción. Después de un agradable momento de saludos en el tren y en la estación, fuimos llevados a nuestro hotel en los carruajes del Estado, que el Presidente de la República había puesto a nuestra disposición.

Los preparativos para nuestra recepción en Santiago habían sido encomendados a un comité compuesto de los siguientes señores: Dr. Domingo Amunátegui, Rector de la Universidad de Chile, Senador Joaquín Walker Martínez, Director de la Caja Hipotecaria, Dr. Luís Barros Borgoño, Dr. Antonio Hunneus, ex Ministro de Relaciones Exteriores, señor Jorge Astaburuaga, y señor Julio Philippi.

Los miembros de este comité estuvieron sumamente atentos durante los cuatro días que permanecemos en Santiago, sin que perdieran la oportunidad de enseñarnos los muchos puntos de interés de esta hermosa y pintoresca ciudad. Debido a ellos y a los esfuerzos del Encargado de Negocios de los Estados Unidos, Mr. Harvey, tuve el placer de conocer a los principales ciudadanos de Chile y cambiar impresiones con ellos acerca de la obra que la Fundación deseaba realizar.

La primera mañana la dedicamos a un paseo en coche por la ciudad en compañía de los miembros del comité. Santiago es una población enteramente original. Posee todo el encanto de una antigua ciudad española, pero sus progresistas e ilustrados ciudadanos han agregado a este encanto de antigüedad las comodidades y mejoras de las capitales modernas. Su situación es superba. Muy cerca de la ciudad se levantan elevadas montañas que la circundan a manera de marco de proporciones imponentes y de exquisito colorido. En la despejada atmósfera las montañas parecen hallarse sumamente cerca; pero no producen sino una idea de protección sin ese opresivo sentimiento de restricción, de hallarse encerrado, que tan a menudo se experimenta en las ciudades construídas cerca de elevadas montañas. El visitante, quizás inconcientemente, tiene siempre presente aquel valle longitudinal de incomparable riqueza y fertilidad en que se halla situado Santiago, que hace de esta parte de Chile una región que los viajeros experimentados consideran como uno de los puntos más atractivos de la tierra.

¡Cuán grata impresión recibimos aquella mañana de octubre al descubrir la capital chilena bañada por el sol que brillaba desde un cielo azul y acariciada por una brisa vigorizante que venía de las montañas! Días como éste, según me han dicho, son comunes en Santiago, en donde rara vez el calor o el frío se hacen desagradables. Desde el histórico Cerro de Santa Lucía contemplamos el panorama de la ciudad, metrópolis de medio millón de habitantes, con calles anchas, edificios de arquitectura agradable y estatuas y monumentos dignos de una nación poderosa.

Por la tarde visité al Ministro de Relaciones Exteriores, señor Enrique Villegas, y debido a su cortesía tuve el honor de ser presentado al Presidente de Chile, señor Barros Luco, el cual demostró el mayor interés en el objeto de mi visita.

Después de la audiencia que me concediera el Presidente fuimos directamente a la Universidad de Chile, en donde, ante un gran número de personas de representación y de muchos estudiantes de la Universidad, recibí un diploma por el cual se me confería el título de miembro honorario de la Sociedad de Derecho y Ciencias Políticas, que es la forma que ellos tienen de conferir un título honorario. El Rector de la Universidad, Dr. Domingo Amunátegui pronunció un breve discurso de presentación, el cual fué seguido de un discurso de bienvenida pronunciado por el Dr. Luís Barros Borgoño, Dean de la Facultad de Filosofía y Humanidades. En mi respuesta, seguí estrechamente el derrotero del discurso pronunciado en Buenos Aires y Montevideo al describir la obra y fines de la Fundación y el objeto de mi visita.

Esta era la primera oportunidad que se me presentaba en la costa occidental de Sur América de presentar al público la obra de la Fundación y de solicitar su colaboración, y estaba ansioso por comparar el interés del pueblo con el demostrado en las ciudades de la costa oriental. No me es posible manifestar la satisfacción, aliento e inspiración que sus manifestaciones de entusiasmo me proporcionaron, ya que inmediatamente quedó demostrado ante mis ojos que en Chile como en la Argentina, como en el Uruguay y como en el Brasil, los Síndicos encontrarán decididos colaboradores. Jamás podré olvidar la escena en el momento en que abandonabamos el salón con los victoreos de los estudiantes, saludándonos y demostrando así su aprobación. Los estudiantes de las universidades son muy parecidos en todo el mundo; si desaprueban, no es posible forzarles una buena opinión; si aprueban, no es posible refrenar la expresión de sus sentimientos. Fué para mí un gran placer que la obra de la Fundación hubiese excitado su imaginación y obtenido sus simpatías. Esto significa mucho para la causa en lo futuro, porque mañana estos jóvenes serán los directores a quienes la Fundación habrá de acudir en demanda de apoyo.

A la mañana siguiente dimos otro paseo por la ciudad con el señor Hunneus y otros miembros del comité; después fuimos a un lunch en la Legación y más tarde visitamos las carreras de caballo, en donde se habían reunido los elementos oficiales y sociales de la capital. Muy pocos lugares habrá en el mundo tan bonitos como la planicie cubierta de césped del Hipódromo de Santiago con las montañas que se alzan un poco más allá. En una recepción celebrada más tarde en la morada del Dr. Luís Barros Borgoño, a la cual asistió el Presidente, tuvimos otra deliciosa oportunidad de conocer mejor a los que con su cordial hospitalidad nos habían hecho sentir que éramos bien recibidos.

Por la noche fuí a una comida de lo más interesante dada por el Ministro de Hacienda, señor Alessandri, en el Club de la Unión.

Al señor Hunneus y esposa, cuya hospitalidad y múltiples atenciones contribuyeron tanto a nuestra satisfacción, y el señor Urrutia y su encantadora señora a quienes había conocido en Washington, al señor Astaburuaga y a otros reconocemos una deuda que jamás podremos satisfacer. Debido a ellos en gran manera conocimos, durante nuestra corta permanencia en Santiago muchos miembros de las antiguas familias que dan a la sociedad de la capital chilena la cultura cosmopolita que la hace tan notable en todo el mundo. Nada podía habernos proporcionado más placer que conocer a sus amigos. En una comida y recepción celebrada en la residencia de la señora Edwards e hijo, señor Agustín Edwards, Ministro chileno cerca de la Corte de San Jaime, en una recepción dada en nuestro honor por la señora Montt, viuda de un distinguido Presidente de Chile, y en las moradas de otras personas conocidas pudimos apreciar cuán profundamente deliciosa debe ser la vida en esta parte favorecida de América, donde, en un hermoso medio ambiente y en condiciones climáticas tan perfectas, quizás, como pueden encontrarse en cualquier parte, existe una civilización que reúne el antiguo encanto de Castilla y el progreso y virilidad del Nuevo Mundo. Tampoco dejaré de mencionar entre estas agradabilísimas memorias cuán particularmente placentero me fué conocer a don Julio Foster, que durante la mayor parte de sus noventa años, ha sido una figura prominente en la vida de Santiago.

Los últimos dos días de nuestra permanencia en Santiago los dedicamos en gran manera a celebrar entrevistas con los señores Hunneus, Astaburuaga y otros miembros del comité y con los señores Philippi, don Ricardo Montaner Bello, el Dr. Amunátegui y otros representantes de la Universidad, todos los cuales me habían ayudado tanto con sus consejos.

Inicióse la formación de un comité para la organización de una sociedad nacional de Derecho internacional. Fuimos particularmente afortunados en contar con la cooperación de prominentes chilenos cuyo apoyo no dejó lugar a dudas en lo que respecta al éxito de la empresa, entre ellos al señor Hunneus, ex Ministro de Relaciones Exteriores; el Dr. Luís Barros Borgoño, Decano de la Facultad de Derecho de la Universidad de Chile; el Dr. Amunátegui Solar, Rector de la Universidad de Chile; el señor Ricardo Montaner Bello. Después de mi regreso a los Estados Unidos he tenido el placer de recibir una prueba de la actividad de estos eminentes señores en forma de una circular anunciando la permanente organización de la sociedad nacional.

Todas estas experiencias han sido altamente satisfactorias, puesto que todos aquellos con quienes tuve el gusto de cambiar impresiones se aprovecharon de todas las ocasiones que se presentaron para expresar su entera aprobación del programa de la Fundación, demostrando de modo práctico sus buenas disposiciones a colaborar con los Síndicos.

Entre tanto los funcionarios del Gobierno continuaron dispensándonos sus atenciones. Hicimos una interesante visita a la Escuela Militar, donde almorzamos con el Ministro de la Guerra, señor Jorge Matte Gomaz, y donde tuve oportunidad de conocer a los jefes del ejército a quienes en tan gran manera se debe la eficacia



del soldado chileno, que ha merecido los elogios de autoridades de muchos países. Tuvimos la suerte de presenciar un magnífico ejercicio. A la noche siguiente tuvimos el placer de concurrir a una opípara comida dada por el Ministro de Relaciones Exteriores, señor Enrique Villegas, y a la cual siguió un baile en el Club Hípico.

Salimos de Santiago para Valparaíso por la mañana temprano del 29 de octubre en un tren especial que el Gobierno había puesto a nuestra disposición. Mr. Harvey, el señor Hunneus, el señor Lynch, representante del Ministro de Relaciones Exteriores y otros, fueron a la estación a despedirnos.

Nosotros hubiéramos querido detenernos por algún tiempo en Valparaíso a fin de relacionarnos con algunos de sus principales ciudadanos, pero el tiempo limitado de que disponíamos para todo el viaje a Sur América nos lo hizo imposible. Sin embargo, tuve tiempo para visitar al Intendente Municipal que bondadosamente nos había enviado una lancha para llevarnos al vapor.

A la estación vinieron a saludarnos el Capitán Johnson, Agregado Naval americano, y el Cónsul General, Winslow, y almorzamos con ellos en el Club Inglés, después de ir a las alturas que dominan la ciudad. Es motivo de elogio para el pueblo de Valparaíso y del carácter chileno que su puerto principal, que fué casi destruído por un temblor de tierra en 1906, haya sido reconstruído tan rápidamente y mejor y más hermoso que antes.

Salimos de Valparaíso a las cuatro de la tarde en el Vapor "Oronsa" de la Pacific Steam Navigation Company, sintiendo abandonar aquellas playas que nos habían sido tan hospitalarias.

La República de Chile se mantiene al paso con el progreso que han realizado las grandes repúblicas de la costa oriental de Sur América. Ha luchado con dificultades considerablemente mayores que aquellas con que han tropezado las repúblicas del Este, porque su mayor proximidad a Europa les ha traído una solución más rápida del gran problema suramericano de proveer comunicaciones ferroviarias marítimas y fluviales, de las cuales en gran manera ha de depender el progreso de toda nación. El tráfico marítimo entre Chile y los países de Europa ha necesitado el largo y arduo paso a través del Estrecho de Magallanes o el difícil viaje alrededor del Cabo de Hornos. Las comunicaciones ferroviarias con el mundo exterior se han limitado hasta hace poco a la obtenida por el paso de los Andes a lomo de mulo, viaje imposible durante varios meses del año. El túnel que une los extremos chileno y argentino del Ferrocarril Transandino, uniendo como une un gran sistema transcontinental solvió el problema agrícola, y otros ferrocarriles transandinos que se hallan en estudio o en curso de construcción acrecentarán mucho estas facilidades. El problema de las comunicaciones marítimas quedará resuelto por el Canal de Panamá.

Una corta visita a Chile es suficiente para llevar al ánimo la creencia de que la prosperidad actual de que disfruta ha de aumentar rápidamente. Las condiciones naturales indican de modo convincente tal conclusión y los chilenos mismos constituyen un pueblo tan viril y tan determinado y unido en su amor

a la patria y en el deseo de fomentar su desarrollo, que el futuro de Chile nos parece hermosísimo. Seguramente nosotros los de los Estados Unidos tenemos razón suficiente para esperar que así sea.

Desde el advenimiento de la República, la buena acogida extendida a los extranjeros ha estado en armonía con la hospitalidad que ha hecho famosa a la raza española y esto ha producido un espíritu amplio y cosmopolita; pero aunque los chilenos acogen buenamente a los extranjeros, no hay un pueblo más sensible y más orgulloso que el pueblo chileno. No son arrogantes, pero cifran un patriótico orgullo en la obra de sus hombres ilustres y en su consecuencia resienten rápidamente toda acción o actitud que no esté en armonía con su elevado concepto de dignidad personal y nacional.

En las más íntimas relaciones entre el pueblo de Chile y el pueblo de este país, que es seguro ha de traer la apertura del Canal de Panamá, será bien que recordemos estas cosas a fin de que a causa de atolondramiento o ignorancia no vayamos a ofenderlos, sino que tratemos en todos sentidos de robustecer los actuales vínculos de amistad que nos unen a esta república hermana.

### En Perú

Desde Valparaíso hasta el Callao, desde el Callao hacia el norte hasta llegar al Río Guayaquil, jamás se pierde de vista la tierra. El rumbo sigue la línea recta de la costa, generalmente tan cerca de ella que pueden verse las rompientes al pie de las áridas montañas. Las más elevadas crestas hacia oriente roban a los vientos de su humedad antes de que lleguen al mar, de suerte que desde la cubierta del vapor, el viajero descubre una región tan desabrigada y a menudo tan extrañamente fantástica en sus contornos como los panoramas que pintara Doré para ilustrar los versos del Dante. Leguas y más leguas de terrenos desprovistos de toda vegetación se trasponen a medida que el vapor avanza; pero a pesar de su aridez, la perspectiva se hace interesante por la intensidad del colorido. En la luz cambiante de la mañana, del medio día y de la tarde pueden verse desplegados en los picos y en los valles todos los colores del espectro, desde el rojo hasta el violeta, con la sorprendente excepción del verde, cuya falta suple el agitado mar. Por más de dos mil millas el vapor surca las aguas frente a estas montañas cálidas y desiertas que solamente necesitan que las toque el agua para convertirse en jardines flotantes de exhuberancia tropical.

Según se nos dijo, las tormentas en esta costa son raras; casi desconocidas, según el Capitán del vapor: de suerte que los buques pueden con impunidad acercarse a la costa, puesto que hay profundidad a pocos pasos de la estrecha playa que generalmente se extiende como una cinta amarilla al pie de las montañas. La marejada es constante y a veces hace que el buque se balancee desagradablemente, en particular cuando se halla anclado; pero por lo demás el viaje a lo largo de la costa occidental de Sur América se parece más a un

paseo en yate que a la travesía oceánica a que están acostumbrados los viajeros del Atlántico. La corriente Humbolt que corre desde el Antártico, no deja que el viaje hacia el ecuador se haga desagradablemente caluroso.

Las aves marinas, los peces voladores, así como los monstruosos habitantes del océano, tales como puercos marinos y ballenas, nos acompañaron durante el viaje en número suficiente para distraer nuestra atención del panorama de montañas rojizas al parecer sin fin. A veces veíamos en los aires miles de pájaros y pasábamos islas de guano literalmente cubiertas de ellos.

El "Oronsa" hizo escala en seis puertos entre Valparaíso y el Callao, anclando en la rada abierta, porque prácticamente no existen bahías, mientras echábamos a tierra o embarcábamos carga o pasajeros.

El próximo punto de escala fué Coquimbo, pequeño pero importante puerto de embarque con buen anclaje, a un día de Valparaíso. Al día siguiente entramos a Antofagasta, que se halla situado en el Trópico de Capricornio y que constituye el puerto de entrada de Bolivia. Nosotros habíamos sentido profundamente no haber tenido tiempo de ir a La Paz; pero la distancia a la capital boliviana desde el litoral, así como la imposibilidad de hacer los enlaces satisfactorios de vapores, hacían nuestra visita a La Paz imposible. Desde Antofagasta, enviamos un telegrama a nuestro Ministro en Bolivia, manifestándole cuánto sentíamos hallarnos en el puerto de La Paz sin poder emprender los dos días de viaje a través de las montañas hacia la República aislada cuyo brillante futuro ha de ser la esperanza y expectación de todos los que se hallan familiarizados con las dificultades que ya ha logrado vencer en su rápido desarrollo reciente.

En Antofagasta vino a bordo un representante del Intendente para darnos la bienvenida y recibimos también la visita del Agente consular de los Estados Unidos. Nuestro vapor se detuvo también en Iquique, Arica, Arequipa y Mollendo, y desde Arequipa enviamos un mensaje de saludo a los encargados del observatorio de la Universidad de Harvard en el Misti.

El sol se ponía cuando llegamos al Callao el 3 de noviembre. El Callao posee una bahía excelente, la mayor y mejor de las que habíamos visto en la costa occidental, pero todavía los buques no atracan a los muelles. Una lancha vapora había sido enviada por nosotros y nos dirigimos a tierra antes de que el "Oronsa" hubiera llegado a su punto regular de anclaje. En la confusión incidental que se siguió de esto dejamos de saludar a Mr. Pennoyer, nuestro Secretario de Legación, al señor Germán Cisneros y Raygada, del Ministerio de Relaciones Exteriores, los cuales habían venido a darnos la bienvenida oficial, así como a otros que no habían llegado a bordo antes de que nosotros hubiéramos salido; pero tuvimos el placer de verlos poco después en el hotel en Lima y muchas otras veces en distintas ocasiones posteriores, pues fueron incansables en su constante y valiosa ayuda durante nuestra permanencia en el Perú. Aunque no vimos al señor Cisneros ni a Mr. Pennoyer en el vapor, tuvimos el placer de conocer al Dr. Juan Bautista de Lavalle y otros miembros de un comité que nos saludó en nombre de la Facultad de San Marcos. Grande fué también nuestro placer en saludar

nuevamente al señor Felipe Pardo a quien yo había conocido en Wáshington cuando él era Ministro peruano cerca del Gobierno de los Estados Unidos.

Lima se halla a siete millas del Callao y fuimos a ella en uno de los tranvías eléctricos que hacen su itinerario a intervalos frecuentes entre dicho puerto y la capital. El tranvía había sido colocado a nuestra disposición, lo cual constituía otra prueba de atención por el Gobierno, cuya buena voluntad quedó constantemente manifiesta. El Presidente, señor Billinghamurst, puso su automóvil a mis órdenes durante toda nuestra permanencia en Lima.

Ya era de noche cuando llegamos a la capital, pero lo poco que vimos mientras nos dirigíamos al Hotel Maury desde la estación nos produjo la más agradable impresión y ésta la vimos más tarde confirmada y robustecida. La antigüedad de Lima, el carácter individual y pintoresco que tan encantadoramente ha conservado, el brillante y romántico papel que ha desempeñado en la historia, todo sirve para atraer al visitante; pero, en adición, hay pruebas extraordinarias del espíritu moderno de progreso en que participa con las demás capitales suramericanas y que hacen esencial una visita a la capital peruana para todo aquel que procure obtener un extenso conocimiento de las condiciones actuales de nuestros vecinos del sur. Las anchas calles, las hermosas plazas, las vías comerciales concurridas, los atractivos distritos residenciales, todo atestigua la importancia comercial y social de la ciudad.

El Perú tiene que luchar con grandes dificultades. Su distancia remota de Europa y de los Estados Unidos ha servido para aislarlo, pero eso ha pasado ya o está rápidamente pasando. En la extensión y variedad de sus recursos naturales pocas naciones del mundo pueden igualarlo y pronto llegará la hora en que estos recursos llevarán a su pueblo una nueva era de prosperidad mayor que cualquiera de las que haya disfrutado en lo pasado. Para aquel cuyo conocimiento de la República se limite a una ligera visita y a mucha lectura este resultado parecería inevitable.

Al día siguiente de nuestra llegada a Lima, por la mañana, visité al Ministro americano, Mr. Benton McMillin, y por la tarde, al Ministro de Relaciones Exteriores, señor Tudela y Varela, y gracias a su cortesía fuí presentado al Presidente, señor Billinghamurst. La recepción que me hizo el Presidente fué estremadamente cordial. Hablóme en inglés perfectamente y demostróme poseer un profundo conocimiento de los asuntos de los Estados Unidos. Tanto en el objeto de mi visita como en la obra de la Fundación manifestó el más amistoso interés.

Al regresar al hotel me encontré con que habían venido a visitarme varias personas, habiendo continuado las visitas después de mi llegada. El Dr. Lizardo Alzamora, Rector de la Universidad de San Marcos y el Dr. Eleodoro Romero, Decano de la Facultad de Derecho, fueron de los primeros en prometer su colaboración en los fines que la Fundación se proponía al comisionarme para que visitara al Perú.

El día siguiente lo dediqué enteramente a hacer visitas. En todas partes hallé el mayor interés y la calurosa hospitalidad de todos, el sincero deseo de ser de utilidad, llevó a nuestro ánimo inmediatamente la convicción de que en el corazón al menos no éramos extraños. Los hombres de mayor importancia me prestaron libremente sus invaluable consejos, dedicándome su tiempo con la mayor buena voluntad. Jamás podré hallarme lo suficientemente reconocido para con ellos. Si hubiera de mencionar simplemente los nombres de aquellos a quienes me siento obligado la lista llenaría varias páginas y aún en ese caso sería incompleta, pero en otra parte he tenido ocasión de expresar mi gratitud para aquellos cuyos servicios me sirvieron de tanta ayuda.

Por la noche hicimos nuevos conocimientos y renovamos otros en una comida y recepción que nos dieron el señor Felipe Pardo y señora a mi esposa y a mí.

La tarde siguiente tuve la oportunidad de explicar ante un distinguido auditorio los métodos y propósitos de la Fundación. La Universidad de San Marcos me confirió el título de miembro honorario de la Facultad de Jurisprudencia y la ceremonia sirvió de ocasión para que el Dr. Eleodoro Romero, Decano de la Facultad, el cual me entregó el diploma y medalla de la corporación, pronunciara un discurso alusivo al acto. En mi respuesta describí en detalles, según me lo solicitaron los miembros de la Facultad, la obra de la Fundación, siguiendo el mismo derrotero de los discursos anteriores.

No puedo abandonar este tema sin expresar el gran placer que experimenté al recibir este honor y gozar del privilegio de pronunciar un discurso en el más antiguo asiento de ilustración del Continente americano. Es cosa que llena de orgullo y reverencia a todo americano el entrar al hermoso patio de la Universidad, subir la antigua escalera de piedra hasta las amplias galerías y visitar los grandes salones con los retratos de los rectores de la Universidad desde el tiempo de su fundación en 1551, colgados de las paredes. Durante siglos de tensión, a través de guerras y revoluciones y de calamidades sin cuento, los serios catedráticos y estudiantes de San Marcos han mantenido viva la primera antorcha de ilustración encendida en el Nuevo Mundo.

De la Universidad fuimos a la Legación americana, en donde el Ministro y su señora nos obsequiaban con un delicioso "garden party".

Al día siguiente celebramos entrevistas con el Dr. Manuel M. Mensones, el Dr. Manzanilla, el Dr. Maúrtua, el Dr. J. A. de Lavalle, de la Corte Suprema, y su hijo, el Dr. Juan Bautista de Lavalle y otros, entremezcladas con visitas del señor Pardo, Profesor Wiese, que fué a saludarnos al vapor, el Dr. Julio Tello, peruano que se graduó en Harvard en 1909 y que es actualmente curador del Museo Nacional, el señor Cisneros, Mr. Pennoyer y varios otros que se habían aprovechado de todas las oportunidades para prestarnos sus valiosos servicios. Tuve la más agradable conversación con el Dr. Ramón Ribeyro, uno de los más exquisitos estadistas del Perú, que ha sido por largo tiempo prominente en la vida intelectual de la República y que de buena gana me dejó disfrutar del beneficio de sus consejos y gran experiencia.

Por la tarde el Club Universidad dió una recepción en mi honor en la cual se pronunciaron breves discursos por el Presidente, señor Luís G. Rivera y otros. Por la noche celebróse un gran banquete dado por el Ministro de Relaciones Exteriores y su esposa, señora de Tudela. El Ministro pronunció un brindis alegórico, al cual respondí.

A la mañana siguiente hicimos una interesante visita al Senado por invitación del General Eléspuru, Presidente del mismo. Por la tarde, el Colegio de Abogados me confirió el honor de hacerme miembro honorario, obsequiándome con una medalla. Fuí presentado por el Decano interino, Dr. Manuel F. Bellido, y en respuesta hablé sobre el tema del Instituto Americano de Derecho Internacional y de las Sociedades Nacionales de Derecho Internacional. El Dr. Anibal Maúrtua me sucedió con un discurso, después del cual pasamos a la "copa de champaña," iniciándose luego un cambio de sentimientos amistosos.

La Sociedad Geográfica también me confirió el título de miembro honorario, habiendo pronunciado un corto discurso al entregarme el diploma el señor José Balta, Presidente de la Sociedad.

Con extremo placer vuelvo mis recuerdos al banquete que dió en mi honor la Universidad de San Marcos en uno de los grandes salones de que ya he hablado. En lo que se refiere a demostraciones públicas, este banquete nos sirvió de despedida de la América del Sur; y seguramente no hubiera podido haberse imaginado una forma que dejara grabado en nuestra mente un recuerdo más halagüeño. La cordialidad, el buen humor y la buena amistad de la ocasión todo contribuía a hacerla memorable. El Dr. Romero y el Dr. Javier Prado y Ugarteche, pronunciaron discursos amistosos a los cuales no pude responder sino con la mayor dificultad para expresar la gratitud que sentía.

Los dos días que precedieron a nuestra partida, en 11 de noviembre, los dedicamos a hacer visitas y a organizar la obra que había de ejecutarse. Constituyóse un vigoroso comité como base para la organización permanente de una Sociedad Nacional de Derecho Internacional. Sus miembros fueron los siguientes:

- Dr. Francisco Tudela y Varela, Ministro de Relaciones Exteriores;
- Dr. Lizardo Alzamora, Rector de la Universidad de San Marcos;
- Dr. Ramón Ribeyro;
- Dr. Javier Prado y Ugarteche, Senador, miembro de la Facultad de la Universidad;
- Dr. Eleodoro Romero, Decano de la Facultad de Derecho;
- Dr. José Matías Manzanilla, Miembro de la Facultad de la Universidad;
- Dr. Adolfo Villagarcía;
- Dr. Antonio Miró Quesada, Director de "El Comercio;"
- Dr. Alberto Ulloa, Director de "La Prensa;"
- Dr. Anibal Maúrtua, Miembro de la Facultad de Derecho;
- Dr. Victor Andrés Belaunde, Profesor de Derecho internacional;
- Dr. Juan Bautista de Lavalle, Miembro de la Facultad de Derecho.

Para el cargo de Secretario Honorario de la Sociedad Nacional para la Conciliación Internacional tuvimos la fortuna de obtener la aceptación del Dr. Juan Bautista de Lavalle, miembro de la Facultad de Derecho de la Universidad de San Marcos.

Tuve el privilegio de concurrir el último día de nuestra permanencia en Lima a la sesión de apertura del Congreso Médico Latinoamericano y Panamericano. Muchos de los delegados a este Congreso habían estado en Lima durante todo el período de nuestra visita, habiendo venido algunos del Sur con nosotros en el "Oronsa", y tuvimos muchas interesantes conversaciones con los doctores Odriozola, Presidente del Congreso, Domingo Cabred, de la Delegación argentina, Gregorio Amunátegui Solar, de Chile, Nascimento Gurgel, y Plácido Barbosa, del Brasil y otros.

Hubiera sido difícil, si no imposible, hallar un grupo de hombres que representaran más perfectamente el pensamiento y cultura latinoamericanos que este grupo de hombres de ciencia, que, de manera práctica, dedicaban su vida a un fin humanitario y que por medio de reuniones internacionales, tales como ésta, que, ante un auditorio distinguido, que incluía al Presidente Billingham, se había reunido en Lima en 10 de noviembre, contribuían tan efectivamente a una mejor inteligencia entre las naciones.

Tan profundamente me había impresionado el hecho de que estos hombres eminentes en sus profesiones respectivas estaban realizando con su obra algunos de los fines para los cuales se había establecido la Fundación, que me tomé la libertad de indicar a algunos de sus miembros la posibilidad de enviar delegados del Congreso para que visitaran los Estados Unidos bajo los auspicios de la Fundación. Esta indicación recibió inmediata aprobación y es motivo de profundo placer para mí que los Síndicos hayan también resuelto favorablemente esta proposición. No es necesario insistir en la importancia de tales visitas ni en el gran beneficio que resultará de ellas.

Nuestra visita a Lima había sido de mayor duración que ninguna otra de las que hicimos a la América del Sur, y este hecho ofreció a algunos de los miembros de nuestra expedición la oportunidad de hacer un recorrido de la ciudad. Un día fué dedicado a una inspección de los promontorios levantados por los Incas cerca de la ciudad, excursión altamente interesante emprendida bajo la dirección personal del Profesor Carlos Wiese, que estuvo de lo más atento. Otro día hicimos una excursión por el Ferrocarril Central a las montañas por la vía del Cerro de Pasco, y tuvimos la excelente oportunidad de inspeccionar este ejemplo verdaderamente maravilloso de ingeniería que surgió hace medio siglo del cerebro de un ingeniero de los Estados Unidos, o sea Henry Meiggs.

Los nueve días que pasamos en la capital peruana están llenos de recuerdos de la cortesía de su pueblo encantador. Durante ese tiempo hicimos frecuentes visitas a las casas de los miembros de la antigua sociedad, la más antigua, creo yo, del Continente americano en donde por primera vez se trasplantaron las tradiciones españolas de hospitalidad al Nuevo Mundo. Al señor de Barreda y

esposa, padres de la señora de don Felipe Pardo, la cual con su esposo hicieran tanto por nosotros mientras estuvimos en Lima, siempre nos sentiremos profundamente reconocidos. También conservamos recuerdos de otras visitas deliciosas que jamás podremos olvidar; de una tarde en la histórica Casa de Torre-Tagle, que es una de las más delicadas muestras de la arquitectura española en la América del Sur, en donde tomamos té con la familia Ortiz Zevallos; de un té en la casa del Dr. Prado y Ugarteche; de un lunch con el señor Alvarez Calderón de East y esposa, y de otras reuniones de confianza con relacionados peruanos a los cuales pronto consideramos como amigos.

Cuando abandonamos a Lima con rumbo al Callao vinieron a despedirnos a la estación gran número de amigos. Entre ellos se hallaba el Ministro de Relaciones Exteriores, señor Tudela y Varela, el Representante Militar del Presidente, el señor Cisneros, Mr. y Mrs. McMillin, el señor Felipe Pardo y esposa, el señor Alvarez Calderón, el Dr. Alzamora, el Dr. Romero, el Dr. de Lavalle, el Profesor Carlos Wiese, Mr. Pennoyer y otros muchos más que habían hecho tanto porque nuestra visita nos resultase agradable.

Dejamos al Perú con un sentimiento de profunda gratitud por todas las pruebas de verdadera amistad que nos habían sido dadas, y sintiendo vivamente que no pudiéramos prolongar nuestra agradable visita. La cordialidad, la buena amistad que los países que visitamos han expresado y demostrado por los Estados Unidos en ninguna parte fué tan marcada como en Lima, y los Síndicos de la Fundación encontrarán allí el más efectivo apoyo.

Con la creciente inmigración que, según parece, debiera naturalmente seguir a la apertura del Canal de Panamá, el Perú ocupará un puesto más importante en los asuntos americanos. Es en este mirar a lo futuro que uno encuentra el mayor aliento en la presente actitud fraternal de sus directores de la opinión pública. Nuestras relaciones han de hacerse diariamente más frecuentes y con ellas se llegará a una realización más clara de que aquí junto a nosotros, hacia el sur, se halla una nación con ideales semejantes a los nuestros que, a pesar de los obstáculos, avanza firmemente en la senda del progreso, y que jamás desperdicia la oportunidad de manifestar su amistad hacia los Estados Unidos.

### En Panamá

El vapor peruano "Mantaro" en que hicimos el viaje hacia el norte era un buque cómodo, escrupulosamente limpio. Hicimos escala en Salaverry, Pacasmayo, Eten y Payta, habiendo visto de paso muchas pruebas del creciente desarrollo de los terrenos minerales y petroleros cerca de la costa.

Llegamos a la Bahía de Panamá, flanqueada de islas cubiertas de bosques, el 18 de noviembre y continuamos a bordo hasta el día siguiente en que expiraba el período de cuarentena. La vista de la ciudad de Panamá necesariamente ha de provocar emociones variadas en toda América. Cerca de aquí empezó, bajo el indomable Pizarro la conquista de los países que acabábamos de abandonar.



A esta costa fué que vino él con Balboa en aquel primer viaje al Istmo y aquí fué donde volvió después de su derrota, que lo determinó aun más a penetrar a las tierras desconocidas del sur, al misterioso "ultima Thule" de los aventureros exploradores. Y ahora la ciudad es la entrada del sur de ese "puente de agua" que ha sido construído por los héroes de hoy no menos indomables que Pizarro y su banda de conquistadores. Panamá que en un tiempo sirvió de punto de partida a una expedición que había de transformar un continente, es ahora la escena de lo que se ha llamado la última gran transformación de la tierra dejada a la mano del hombre.

El Coronel Goethals había enviado una lancha por nosotros con un ayudante el cual nos ofreció nuestra primera vista del canal, llevándonos hasta las esclusas de Miraflores. Al retorno saltamos a tierra en Balboa y de allí fuimos en ferrocarril a Panamá. Esta interesante excursión fué la causa de que no viéramos al Ministro americano, Mr. William Jennings Price, al Secretario de la Legación, Mr. Wicker, ni al señor Lefevre, Ministro de Relaciones Exteriores, y otros funcionarios del Gobierno panameño, que habían ido al desembarcadero de Panamá a darnos la bienvenida oficial. Más tarde sin embargo, tuvimos el placer de verlos en el hotel, y al día siguiente, en unión de Mr. Price, hice una visita al señor Lefevre, a cuya cortesía debí el honor de tener una audiencia con el Presidente. Estuvimos en Panamá solamente aquel día y parte del siguiente. Aproveché la oportunidad, sin embargo, para hablar con hombres de representación y por ellos me enteré de que la República de Panamá ofrece una perspectiva excelente para algunas de las gestiones en que la Fundación se halla interesada, pero que el momento actual se consideraba inapropiado para emprender la obra. La próxima apertura del Canal, el tiempo comparativamente reciente que hace desde el establecimiento de la República y las muchas cuestiones de organización y desarrollo interno, todo ocupa el interés público, considerándose oportuno posponer la discusión de otras materias.

El señor Lefevre y el señor Estripeant, ayudante de campo del Presidente, estuvieron de lo más atento y no podría dar gracias bastantes a nuestro Ministro, Mr. Price, por su bondad.

Después de la última mañana de recorrer la ciudad y de un lunch en la casa del Coronel Judson, el cual nos había llevado en una excelente excursión a las esclusas de Gatún, salimos de Colón para Nueva Orleans el 20 de noviembre, llegando a dicho punto cinco días más tarde.

Nosotros hubiéramos deseado visitar a Venezuela, y nuestro itinerario había incluído originalmente a Caracas, pero nos encontramos al llegar a Panamá con que los enlaces de las compañías de vapores con la Guayra no nos hubieran permitido hacer el viaje en el tiempo limitado de que disponíamos.

Expresamos nuestra pena en una carta que dirigimos a nuestro Ministro americano en Caracas, tomándonos la libertad de enviarle copias de los folletos que habíamos repartido entre los suramericanos de representación, con el propósito de que los distribuyera entre los hombres más importantes de Venezuela.

Llegamos a Nueva York el día de acción de gracias (Thanksgiving day) 27 de noviembre de 1913, justamente dos meses y cuatro días desde nuestra salida de Lisboa. La mención que hacemos del tiempo empleado en nuestro largo viaje podrá ayudar a destruir la impresión general que existe en los Estados Unidos de que una visita a la América del Sur requiere más tiempo del que generalmente se necesita para hacer una excursión por Europa o un paseo de invierno por el Mediterráneo. Es difícil imaginar una excursión de diez semanas más variadas y más repletas de interés. Desde el punto de vista panorámico el viaje es de incomparable belleza, pero la idea que debe principalmente entusiasmar al viajero es la perspectiva de observar nuevas razas y nuevos países en las más interesantes etapas de su evolución. Estas naciones se hallan destinadas a jugar un gran papel en lo futuro y no se necesita ningún esfuerzo de imaginación para figurarse los vastos territorios desocupados del continente de Sur América como teatro de un nuevo impulso mundial.

Es un deber que nos debemos a nosotros mismos, y que la Fundación bien puede ayudar a nuestro pueblo a cumplir, el hacer estrechas relaciones con nuestros amigos de la América del Sur. Casi seguramente, creo yo, la comunicación entre nuestros países respectivos crecerá, y con este mejor conocimiento mutuo surgirán amistades más profundas y más perdurables.

ROBERT BACON.

MARZO 15, 1914.

## *Interviú Inserta en el "Evening Post," de Nueva York,*

13 DE DICIEMBRE DE 1913

Como representante de la Fundación Carnegie para la Paz Internacional, Robert Bacon, ex-Secretario de Estado y ex-Embajador a Francia, acaba de regresar de una gira por el Brasil, la Argentina, el Uruguay, Chile y el Perú. El viaje se efectuó a los fines relacionados con las distintas iniciativas en que se halla interesada la Fundación. Estas iniciativas incluyen la formación de sociedades de Derecho internacional que han de afiliarse al Instituto Americano de Derecho Internacional, fundado en 1912, y del cual es Presidente Honorario Elihu Root. La visita de Mr. Bacon tuvo por objeto también el organizar asociaciones para la conciliación y gestionar lo oportuno para el intercambio de visitas de hombres de representación entre este país y la América del Sur, así como el canje de profesores y estudiantes de universidades. Por estos medios la Fundación espera establecer relaciones más estrechas entre las naciones del Hemisferio Occidental.

"Sería difícil exagerar," decía hoy Mr. Bacon, "las manifestaciones de amistad hacia los Estados Unidos exteriorizadas en todos y cada uno de esos países. A pesar de las malas impresiones y malas inteligencias, causadas casi siempre por nuestra ignorancia de las verdaderas condiciones que imperan en la América del Sur, bien podemos decir que no poseemos amigos más sinceros en ninguna parte del mundo que los que tenemos en estas repúblicas hermanas del mismo continente, los cuales aprovechan todas las oportunidades que se les ofrecen para demostrar el afecto que nos profesan."

Mr. Bacon salió primeramente de esta ciudad con rumbo a Filipinas por la vía de San Francisco y continuó su viaje hacia Oriente por el Japón, China y Siberia hasta Europa, saliendo de Lisboa para Río de Janeiro el 23 de septiembre.

Después de visitar el Brasil, la Argentina, el Uruguay, Chile y el Perú, pasó a Lima y Panamá, regresando a Nueva York por la vía de Nueva Orleans. En junto viajó unas 35,000 millas. Acompañáronle en su viaje alrededor del mundo su esposa y su hija. Otto Schoenrich, Presidente de la Comisión Mixta de Reclamaciones de Nicaragua, y esposa, y W. R. Hereford se les agregaron en París para continuar en la gira suramericana.

### **Al Través de los Andes por Ferrocarril**

Al describir el objeto de su visita decía Mr. Bacon :

"Fuí a la América del Sur con instrucciones del Presidente de la Fundación, el Senador Elihu Root, concernientes a ciertos fines determinados en relación con

las iniciativas en que se halla interesada la Fundación. De Río de Janeiro fuimos luego a Buenos Aires, y cruzando el Río de La Plata visitamos a Montevideo; después volvimos a Buenos Aires y proseguimos nuestro viaje a Santiago de Chile por el maravilloso Ferrocarril Transandino, ferrocarril de vía estrecha, que sube a una altura de 10,500 pies, pasando muy cerca de algunas de las más elevadas montañas de este hemisferio. De Santiago fuimos por vapor al Callao, el puerto de Lima, y desde aquí en un cómodo vapor peruano hasta Panamá”.

He aquí la forma en que refirió Mr. Bacon la amistosa acogida que se le dispensara :

“La visita que en 1906 hiciera a la América del Sur Mr. Root, cuando era Secretario de Estado, ha producido un efecto perdurable en el sentido de crear una mejor inteligencia entre las Repúblicas latinas y los Estados Unidos. Esa visita se recuerda vívidamente, haciéndose referencia a ella a menudo en los discursos y escritos de los distinguidísimos representantes de la opinión pública en toda la América del Sur. A ésta, quizás, más que a ninguna otra circunstancia debe atribuirse la presente actitud adoptada hacia nosotros; porque Mr. Root, según se recordará, por su doctrina de simpatía y buena inteligencia, de bondadosa consideración y de honorable obligación, pudo aminorar o destruir las sospechas y desconfianzas acerca de nuestros móviles que habían sido paulatinamente engendradas.

“Es la creencia de Mr. Root y de los demás Síndicos de la Fundación Carnegie que gran parte de las malas inteligencias entre las naciones proceden de falta de conocimiento mutuo, falta de conocimiento de condiciones y sentimientos. La Fundación trata de destruir esta ignorancia por medios prácticos.

### Objeto de la Visita

“El objeto de mi visita a la América del Sur comprendía la formación de sociedades nacionales de Derecho internacional; la organización de asociaciones que habrán de afiliarse a la Asociación para la Conciliación Internacional establecida en París, de la cual es Presidente y fundador el Barón d'Estournelles de Constant; el hacer las gestiones oportunas para un cambio de visitas de hombres de representación de las Repúblicas latinas que vinieran a los Estados Unidos y de este país que fueran a la América del Sur, y para un cambio análogo entre los profesores y estudiantes de sus universidades y de las nuestras.

“El Instituto de Derecho Internacional, fundado en 1873, se halla compuesto de los más eminentes jurisconsultos de Europa y América. El Instituto Americano fué fundado hace poco más de un año, teniendo al Senador Root como Presidente Honorario y al Dr. James Brown Scott como Presidente. Los fines y propósitos de todos los institutos son en gran manera idénticos; pero, según afirmaron sus fundadores en la exposición oficial de los fines y propósitos del Instituto Americano, ‘la parte que trata de la guerra es de importancia secundaria, puesto que los que lo proponen creen que los principios del Derecho inter-

nacional son generalmente aplicables y deben estudiarse y ser desarrollados de manera que mantengan el estado de paz, que tan afortunadamente existe entre las Repúblicas americanas.'

"Por la formación de estas sociedades nacionales, se espera popularizar los principios de derecho que rigen las relaciones de las naciones, de suerte que, en el curso del tiempo, los gobiernos se vean obligados por la opinión popular a conducirse con todo el respeto debido a tales principios.

"En virtud de las gestiones de la Fundación en este sentido ya se han formado o están en curso de formación sociedades nacionales de Derecho internacional en Río de Janeiro, Buenos Aires, Montevideo, Santiago de Chile y Lima. Estas sociedades habrán de afiliarse al Instituto Americano y en su intercomunicación por medio del Instituto ofrecerán un nuevo y valioso medio para el cambio de ideas entre los directores de la opinión de la América del Norte y de la América del Sur.

"También tuve el honor de exponerles el proyecto e invitarles a que participaran en la propuesta Academia de Derecho Internacional de La Haya, y de indicar la necesidad de que se nombraran comités nacionales para la discusión de los proyectos que habrán de aportarse al programa de la próxima Conferencia de la Paz de La Haya. También expuse la obra de la División de Economía Política e Historia de la Fundación.

"En ningún sentido mejor, quizás, podría obtenerse una inteligencia mutua entre las Repúblicas de América que por medio de un cambio de visitas de hombres de representación, y de un cambio de profesores y estudiantes universitarios.

"En la vida científica y profesional actualmente se están efectuando tales cambios internacionales. Constantemente se están reuniendo congresos de hombres de representación de todas partes del mundo y en ellos se obtienen beneficios inconmensurables en virtud del cambio de ideas, y en virtud de estos cambios, las naciones, por medio de sus hombres de representación, se aproximan en una comunión recíproca más estrecha, con el resultante mejoramiento de la buena inteligencia internacional.

"Bajo los auspicios de la División de Relaciones y Educación de la Fundación, de la cual el Dr. Nicholas Murray Butler es Director, ya han visitado los Estados Unidos el Barón d'Estournelles de Constant, de Francia, la Baronesa von Suttner, de Austria, y el Profesor Nitobe, del Japón, y ha visitado la India, la China y el Japón el Presidente Eliot, de la Universidad de Harvard, y el Japón, el Dr. Hámilton Wright Mabie.

"Se espera que en no lejano día suramericanos de representación visiten a los Estados Unidos, y es el propósito de los Síndicos de la Fundación continuar el cambio ya empezado de tales visitas.

"Se espera, también, inaugurar un cambio de profesores entre las universidades suramericanas y las de este país, y gestionar los detalles de un cambio que incluya a los estudiantes de las universidades".

Mr. Bacon habló francamente de cómo era que la Fundación Carnegie esperaba realizar sus fines y de la ayuda que le prestarán los suramericanos de influencia.

“Por medio de estas medidas prácticas la Fundación está tratando de establecer relaciones más estrechas entre las naciones”, dijo él. “No es de esperarse que los resultados obtenidos se hagan aparentes en seguida. El mismo hecho de que las gentes aguardan impacientemente pruebas visibles del progreso realizado ha sido en gran manera causa del pesimismo y escepticismo con que se tropieza al discutir estas materias.

“Como ha dicho Mr. Root: ‘Los Síndicos de la Fundación saben perfectamente que el progreso en la obra que han emprendido ha de ser necesariamente paulatino y que sus resultados más substanciales habrán de recogerse en un futuro lejano. Estamos tratando con aptitudes e impulsos firmemente establecidos en la naturaleza humana por el desarrollo de miles de años, y todo lo más que una generación puede esperar hacer es promover el cambio gradual en las normas de conducta. Todos los cálculos que se hagan a propósito de dicha obra y de sus resultados han de basarse no en los términos de la vida individual humana, sino en los términos de la vida prolongada de las naciones. Inconspicuos como son los resultados inmediatos, no puede haber, sin embargo, un objeto más noble para el esfuerzo humano que el ejercer influencia en las tendencias de la raza, a fin de que ésta avance, por más paulatinamente que sea, hacia la civilización y humanidad, apartándose de la brutalidad sin sentido’.

“Los hombres principales de la América del Sur se hallan bien avanzados en su entendimiento y apreciación del bien que ha de seguirse de estos cambios internacionales. El rápido desarrollo material de sus maravillosos países no ha embotado en lo más mínimo su elevado idealismo, sin que puedan encontrarse en ninguna parte hombres que se hallen más dispuestos ni que sean más aptos para trabajar unidos con un fin común y humanitario. Todo lo que indique progreso social despierta inmediatamente sus simpatías”.

Mr. Bacon nos hizo entusiastas relatos de las condiciones de los países que visitara, así como de la impresión que le causaron sus inagotables recursos. Él considera la inmigración como factor principal en lo futuro.

### El País del Porvenir

“Con respecto al desarrollo que observé, no puedo hacer ver de modo suficiente su significación a nuestro país”, nos dijo Mr. Bacon. “Algunas de estas repúblicas progresan tan rápidamente que cada año sucesivo señala un nuevo cambio importante en ellas. El pueblo de estos países se ha visto rodeado de obstáculos mayores que aquellos con que tropezaran nuestros antepasados, y que son muy poco comprendidos aquí entre nosotros; pero, a pesar de esto, ellos se han ido abriendo camino hasta que la civilización de sus mayores centros puede compararse favorablemente con la más antigua civilización de Europa.

“A cualquiera que visite la América del Sur ha de ocurrírsele que éste es el país del porvenir. Los recursos naturales son tan vastos que bien puede decirse que son casi inagotables. Aunque se ha escrito y dicho tanto acerca de esta riqueza, nosotros no poseemos sino el más vago concepto de ella, así como del papel que ha de desempeñar en la historia de la civilización en no lejano día.

“El pueblo procede de un tronco vigoroso. En este país nuestro pueblo, a causa de su falta de conocimiento, se halla expuesto a clasificar la América Latina como un conjunto; pero las diferencias raciales y de otra índole que existen entre los pueblos de estas distintas repúblicas son tan grandes como las que existen entre los pueblos de los distintos países de Europa.

“Y sin embargo, los países de la América del Sur, aun los más grandes, como el Brasil y la Argentina, se hallan escasamente poblados. La inmigración se ha visto obstaculizada por la distancia y las dificultades del viaje, pero estas condiciones están desapareciendo. Los nuevos medios de comunicación están conduciendo más y más inmigrantes a sus playas. Los alemanes, los ingleses, los franceses, los italianos y los japoneses se han dado pronto cuenta de las oportunidades que allí se les ofrecen.”

“Los viajeros que se propongan visitar la América del Sur”, nos dijo Mr. Bacon, “encontrarán facilidades ferroviarias y marítimas apropiadas”. Según él, “pueden obtenerse grandes y substanciales beneficios de las relaciones con los pueblos suramericanos acerca de los cuales muchos de los nuestros, desgraciadamente, se encuentran en profunda ignorancia. Los hombres y mujeres de representación de estos países poseen todos el encanto y gracia y cultura intelectual que han hecho a las razas latinas famosas. Su entusiasta hospitalidad es proverbial. Por mi parte, jamás olvidaré ni podré expresar apropiadamente mi reconocimiento por la bondadosa y cortés acogida que me dispensaron”.

## *Editorial de la Revista Americana de Derecho Internacional,*

ENERO, 1914

El otoño pasado el Hon. Robert Bacon, ex-Secretario de Estado y ex-Embajador a Francia, emprendió un viaje por la América del Sur con la misión de la Fundación Carnegie para la Paz Internacional de "interesar y alcanzar las simpatías de los directores de la opinión en las principales Repúblicas latino-americanas, en las distintas empresas en bien de la paz internacional que la Fundación desea promover; y por medio de las relaciones y explicaciones personales, causar la cooperación práctica" en estos trabajos. Con la excepción de la visita oficial de Mr. Root, como Secretario de Estado, en 1906, ningún viaje emprendido por un ciudadano de los Estados Unidos ha hecho tanto para estimular el desarrollo de cordiales y provechosas relaciones internacionales entre las Repúblicas del Norte y Sur América, como este viaje memorable de Mr. Bacon, quien ha visitado al Brasil, Argentina, Uruguay, Chile y Perú, habiéndose visto imposibilitado, por dificultades en el arreglo de conexiones de vapores y ferrocarriles, de visitar los demás países incluidos en su itinerario. En cada uno de los países que Mr. Bacon visitara fué recibido con la mayor cordialidad por el Gobierno y oficialmente festejado. Los representantes diplomáticos de los Estados Unidos se esforzaron en todo lo posible en hacer que su visita a las capitales de su itinerario diera resultados positivos; y ciudadanos prominentes, representantes de todos los elementos del mundo comercial, profesional y social se disputaron mutuamente el impartir a su misión la dignidad y significación que su importancia requiría. La Universidad de Santiago le confirió un título honorario como también lo hizo la Universidad de Lima, habiendo sido elegido socio honorario por varias sociedades científicas y jurídicas. Su misión fué recibida en todas partes con las mayores muestras de simpatía por la prensa periódica, la cual reprodujo fielmente todos sus discursos públicos. El éxito de su misión se debió en gran manera a su facultad de poder dirigirse a sus oyentes en los idiomas español, portugués y francés.

Los más importantes discursos de Mr. Bacon fueron pronunciados en Río de Janeiro bajo los auspicios de la Academia Brasileña e Instituto de la Orden de Abogados, así como también en la Embajada de los Estados Unidos; en Montevideo, en el Ateneo, bajo los auspicios de la Universidad; en Buenos Aires, ante la Facultad de Derecho de la Universidad; en Santiago, en la Universidad de Chile; y en Lima, en la Universidad de San Marcos y ante el Colegio de Abogados.

En todos y cada uno de estos discursos, así como en las numerosas conferencias que celebrara con funcionarios públicos, educacionistas y ciudadanos



distinguidos, Mr. Bacon llamó la atención hacia ciertos planes específicos de la Fundación, siendo uno de los más importantes de éstos la formación de sociedades nacionales afiliadas al Instituto Americano de Derecho Internacional. En todos los países visitados se nombraron comisiones para la organización de tales sociedades, y en algunos de ellos esta organización ya ha sido efectuada. Este aspecto de la obra de Mr. Bacon es de interés especial para los lectores de esta REVISTA; y muy bien podemos predecir que como resultado de ella, esta prometedora institución pronto se hará una realidad efectiva, estableciendo un nuevo punto de contacto y un nuevo lazo de simpatía entre los jurisconsultos y estadistas de los hemisferios del Norte y del Sur. Las circunstancias políticas y situación geográfica han creado condiciones nuevas y especiales, haciendo posible una inteligencia que, no siendo incompatible o antagónica a los principios del Derecho internacional europeo, permite llegar a un acuerdo en materias sobre las cuales el resto del mundo todavía no ha podido convenir. Un distinguido catedrático de Derecho, de Padua, expuso el caso de una manera concisa y completa al decir que "la cooperación probable de dos institutos autónomos es preferible a la colaboración prácticamente imposible de elementos semejantes de la misma asociación".

Mr. Bacon indicó la participación activa de los distintos gobiernos en la propuesta Academia de Derecho Internacional de La Haya, y podemos anticipar la aceptación cordial por cada uno de ellos de la formal invitación que se les ha pasado a este fin. Su indicación de que los Estados latinoamericanos nombren comisiones y traten de contribuir a la formación del programa para la Tercera Conferencia de La Haya y la intercomunicación de dichas comisiones entre todos los países americanos, causó interés extraordinario, especialmente en el Brasil, donde se espera que inmediatamente se tomarán las medidas oportunas a este propósito. Mr. Bacon estuvo asimismo altamente afortunado al indicar que las ramas nacionales de la Sociedad para la Conciliación Internacional se afilien a las de París y Nueva York. En cuatro de los países visitados por Mr. Bacon, ya se han nombrado secretarios competentes y enérgicos los cuales trabajan con fervor en su organización. Aunque los suramericanos no son muy partidarios de las sociedades de la paz, del pacifismo ordinario, responden rápidamente, sin embargo, a los principios en que se basa la conciliación, la cual busca el arreglo amistoso de los conflictos internacionales por medio del arbitraje y otros medios semejantes.

Mr. Bacon trató ampliamente de los planes de la Fundación para el cambio de visitas de hombres de representación entre los dos continentes, así como también del cambio de profesores y alumnos propuesto. Cada uno de estos proyectos fué acogido con simpatía, y, según Mr. Bacon, ya ha llegado la hora en que debe iniciarse el cambio de profesores. Una dificultad se presenta en el limitado número de latinoamericanos que posean el inglés lo suficiente para expresarse en él, así como, por otra parte, el número igualmente reducido de

norteamericanos que estén familiarizados con el español. Esta dificultad para estrechar las relaciones entre los dos continentes comienza a hacérsenos patente: es una gran misión de nuestras instituciones docentes superiores el tratar de vencerla gradualmente.

Según se vé, pues, la misión de Mr. Bacon a la América del Sur alcanzó el mayor éxito en el sentido de que pronto ha de producir sus frutos. Para aquellos que le prestaron acogida se hizo perfectamente aparente que a él no le impulsaban motivos egoistas de ninguna clase, ni que buscaba concesiones, ni que solicitaba ventajas comerciales, sino que iba con una misión puramente altruista en la más alta significación de la palabra. Llevaba un mensaje de amistad y de cooperación en su obra que no es en beneficio de un solo país sino de todos los americanos y de todo el mundo. Mr. Bacon ha plantado las semillas de relaciones internacionales más delicadas, y el resultado de su viaje escasamente podría dejar de establecer corrientes de simpatías intelectuales hacia una civilización más elevada y más noble.

# APÉNDICES



## APÉNDICE I

### *Paris*

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#### Lunch Dado por M. Gabriel Hanotaux,

PARIS, 19 DE SEPTIEMBRE DE 1913

[De *Le Figaro*]

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Le bureau du comité France-Amérique a reçu hier à déjeuner le président du comité France-Amérique de New-York, M. Robert Bacon, ancien ambassadeur des États-Unis à Paris, ainsi que M. Dandurand, sénateur, président du comité France-Amérique au Canada, et Mme. Dandurand.

A ce déjeuner, assistaient notamment M. Gabriel Hanotaux, M. et Mme. Boutroux, M. Klexzkowski, ministre de France, etc.

M. Robert Bacon passe par Paris, se rendant dans l'Amérique du Sud, où il doit remplir, comme on sait, une mission des Associations internationales américaines ayant à leur tête MM. Elihu Root, Butler, Scott, etc.

M. Hanotaux a adressé à ces hôtes les paroles suivantes :

C'est une joie bien grande pour le comité France-Amérique de saluer en même temps ici les deux présidents du comité de l'Amérique du Nord ; l'activité déployée aux États-Unis et au Canada par ces deux émanations du comité français a donné, cette année, des résultats considérables ; nous ne pouvons qu'en reporter l'honneur aux deux présidents qui veulent bien nous honorer de leur présence.

M. Robert Bacon, au nom des personnes les plus respectées de la grande République des États-Unis, se rend en Amérique du Sud pour y jeter les bases d'une œuvre d'union autour du droit international qui est appelée au développement le plus fécond pour le bien de l'humanité. Cette mission a un caractère tout pratique ; il s'agit d'y fonder des institutions durables où s'élaboreront les principes d'une entente harmonieuse et réfléchie entre les peuples.

M. Robert Bacon a bien voulu se souvenir qu'il était, récemment, encore, ambassadeur des États-Unis à Paris, et il lui a paru que les contacts intellectuels entre les républiques sud-américaines et la France étaient tels qu'il y avait tout avantage, pour le succès de son œuvre, à toucher barre d'abord à Paris.

La force de propagande de la langue et de la pensée françaises, me disait-il lui-même, est telle que s'inspirer des fondations et des œuvres françaises lui a

paru un des premiers devoirs de sa mission. C'est pourquoi il est aujourd'hui parmi nous. Nous le remercions de cette confiance qui honore notre pays et qui, nous devons l'espérer, lui facilitera sa tâche auprès de nos amis de l'Amérique du Sud.

Confiée à l'éminent diplomate dont tout Paris apprécia la bonne grâce, la vivacité intellectuelle et le dévouement, et dont le comité France-Amérique a notamment éprouvé la large libéralité, une si noble entreprise ne peut que réussir.

Messieurs, je lève mon verre à nos deux chers collègues et présidents, et au succès du voyage de notre excellent et éminent ami M. Robert Bacon.

M. Robert Bacon a répondu en ces termes :

Mon cher Président,

Vous venez d'exprimer ma pensée et d'expliquer l'objet de ma mission dans des termes dont je ne puis que vous remercier du fond du cœur. Oui, je voulais prendre mes attaches avec la pensée française avant d'aborder la pensée sud-américaine. Vos éloges et vos encouragements se rapportent à ceux qui ont su préparer et définir ma mission ; je n'oublierai jamais, au cours de mon voyage, cette heure en particulier et tant de bons moments qu'il m'a été donné de passer à Paris.

Je bois à la prospérité de l'œuvre que vous avez fondée et qui a elle-même une si grande portée internationale, à la prospérité du comité France-Amérique.

## APÉNDICE II

### *Brasil*

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#### Discurso del Dr. de Oliveira Lima,

PRONUNCIADO EN INGLÉS ANTE LOS MIEMBROS DEL INSTITUTO DE LA HISTORIA DEL BRASIL,  
EN LA EMBAJADA AMERICANA,

RÍO DE JANEIRO, 8 DE OCTUBRE DE 1913

#### *Excelencia:*

El presidente del Instituto de la Historia, Conde Affonso Celso, quien sucedió al Barón de Río Branco en ese puesto, nombró en nuestra última reunión, una comisión compuesta de diez miembros, para daros el saludo de bienvenida en este país, en nombre de dicha asociación, la más antigua de las asociaciones intelectuales del Brasil y quizás de la América del Sur.

Nosotros nos vanagloriamos en verdad de nuestros tres cuartos de siglo de existencia, así como de los invaluable servicios con que han contribuído diferentes generaciones de historiadores e indagadores de documentos, al estudio de nuestro pasado. El difunto Emperador del Brasil, Don Pedro II, cuya memoria es honrada en los Estados Unidos y venerada aquí, presidía nuestras reuniones y nos guiaba en nuestro trabajo.

Ya véis, por la naturaleza de nuestros estudios, así como por la influencia de las personalidades mencionadas, el Instituto de la Historia es una sociedad de paz, lo mismo que la que representáis en nuestro continente. Vos sois paz en acción, paz en movimiento, paz que se basa en la conciencia de las responsabilidades nacionales y de los deberes y derechos internacionales. Nosotros somos paz en teoría, paz en sentimiento, y hasta paz en tradiciones, me atrevo a decir, porque las guerras en América, especialmente en la América independiente, han sido más bien guerras por la libertad que guiadas por la ambición.

No asumo que han sido exclusivamente así, porque cada porción de la humanidad lleva consigo faltas y crímenes, y ésta es la razón porque se ha trabajado tanto por la difusión del respeto y amistad internacional; pero el hecho es que nosotros hemos ganado nuestras libertades con nuestra voluntad y estamos luchando por conservarlas. El Brasil bajo el Imperio tuvo dos guerras con el extranjero, pero las dos fueron en contra de tiranías extranjeras, no en contra de pueblos o nacionalidades extranjeras.

Bajo todos los puntos de vista, pues, vuestra misión despierta nuestras más hondas simpatías y podéis estar seguro de que encontraréis en este país el medio más propicio. El trabajo de la Fundación Carnegie para la Paz Internacional

no es bien conocido aquí aún, pero pronto estaremos informados de lleno de sus propósitos. La parte de la América Latina que constituímos, lucha por su desenvolvimiento sin herir las aspiraciones legítimas de los otros.

Personalmente vuestro nombre nos es familiar como el de un embajador y Secretario de Estado que obtuvo éxito brillante; también como del amigo y colaborador de Mr. Root, lo cual indica que ambos tenéis una concepción de la política y de la diplomacia muy por encima de la vulgar. La política no puede divorciarse del intelectualismo, la diplomacia no debe ser simple materialismo, sino una lucha por los nobles ideales de comprensión jurídica, de amistad internacional, y de unión moral.

Encontraréis en todas partes la simpatía que merece vuestra personalidad y notaréis que los Estados Unidos son sinceramente estimados en el Brasil. Confiamos en vuestros esfuerzos en pro de la conciliación internacional y estamos dispuestos a coadyuvar en ellos, así como también admiramos y tratamos de seguir vuestras lecciones de incansable trabajo y perseverancia y de educación cívica.

#### Respuesta de Mr. Bacon

*Excellence, Messieurs de l'Institut Historique:*

Je ne trouve pas de mots pour vous remercier du fond du cœur de votre charmant accueil et de vos si gracieuses paroles, dont je suis profondément touché.

Venant de la part de la Fondation Carnegie pour la Paix Internationale, je vous apporte les salutations les plus affectueuses de son éminent Président et votre ami dévoué, l'Honorable Elihu Root, mon cher maitre, que j'aime et que vous, Messieurs, vous aussi aimez, j'en suis sûr. C'est forcément rappelé à mon attention que, depuis sa mémorable visite en votre beau pays en 1906 et depuis la conférence de La Haye de 1907, il y a eu lieu de grands changements, des progrès merveilleux dans le développement du Droit International — du Droit des Gens, dont les illustres publicistes de votre pays, les jurisconsultes de toute l'Amérique latine ont pris un rôle le plus important.

Selon les paroles du Docteur de Louter de l'Université d'Utrecht, publiciste renommé des Pays Bas: "L'Amérique latine, qui par les talents et l'éloquence de ses délégués a quelque peu surpris la diplomatie européenne lors de la seconde conférence de la paix, a déployé depuis une activité et une fécondité qui sont en même temps humiliantes et encouragantes pour leurs devanciers. Ceux qui s'attachent à une paix fondée sur le droit ne peuvent qu'applaudir aux travailleurs vigoureux d'outre-mer, occupés à construire les fondements solides d'un édifice de droit au lieu des fantaisies éphémères de bonnes intentions stériles!"

Or, Monsieur Root, qui voudrait bien s'éloigner de la vie intense de la politique et consacrer la plupart de ses efforts à ce développement, à cette cause, tient beaucoup à cœur l'avancement de quelques activités plus précisées de la Fondation.



Je vous prie de prêter à ces projets pratiques votre considération sérieuse, non seulement pour resserrer encore les liens d'amitié et de solidarité entre nos deux chers pays, mais pour l'humanité et pour avancer et promouvoir la liberté et la justice entre les nations du monde.

### Discurso del Dr. de Oliveira Lima,

PRONUNCIADO EN LA RECEPCIÓN DADA EN LA EMBAJADA AMERICANA,

RÍO DE JANEIRO, 8 DE OCTUBRE DE 1913

“O Senhor Embaixador dos Estados Unidos da America confiou me o honrosissimo cargo de apresentar a esta reunião de brasileiros eminentes pelo saber e pela posição, o nosso illustre hospede Snr. Robert Bacon, antigo Secretado de Estado e antigo Embaixador de seu paiz em França, o qual està presentemente dedicando o seu vigor, o seu talento e a sua experiencia à mais nobre das cruzadas, a cruzada da paz.

Não podieis comtudo esperar que um homem do seu traquejo, das suas habilitações e de sua envergadura mental se limitasse a meros devaneios utopicos, a um nephelibatismo pacifista. O Snr. Bacon quer ver a paz triumphante mas trazida pela razão mais do que pelo sentimento, isto è, pela consciencia universal, pela divulgação e respeito dos principios de direito internacional.

Elle vos explicará com a concisão, clareza e lucidez que costuma empregar nas suas producções politicas e sociaes os fitos tão variados quanto practicos da sua missão, uma missão interessantissima e de grande alcance, que a Fundação Carnegie em prol da paz mundial entregou ao seu devotamento civico e á sua inteireza moral, certa de que em toda a America latina seria ouvida com deferencia e sympathia a palavra do amigo e collaborador Elihu Root, o estadista insigne que tão sinceras provas deu na sua gestão das relações exteriores da grande união, de seu respeito pelos direitos dos outros povos e pela personalidade juridica das outras nacionalidades, e cuja nobilissima ambição é presentemente agrupar todo o novo mundo n'uma ampla, desafogada e imponente solidariedade de cultura.

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[Traducción del Portugués]

El Señor Embajador de los Estados Unidos de América me confió el honrosísimo cargo de presentar a esta reunión de brasileños, eminentes por su saber y por su posición, a nuestro ilustre huésped, Señor Robert Bacon, antiguo Secretario de Estado y antiguo Embajador de su país en Francia, el cual está actualmente dedicando sus energías, su talento y su experiencia a la más noble de las cruzadas, a la cruzada de la paz.

No podéis, sin embargo, esperar que un hombre de su altura, de su habilidad y de su calibre mental se limite a meros sueños utópicos, a insulsas teorías pacifistas. El Señor Bacon desea ver la paz triunfante, pero que ésta venga traída

por la razón más que por el sentimiento, esto es, por medio de la conciencia universal, por la difusión de los principios del Derecho internacional y el respeto a los mismos.

El os explicará, con la concisión, claridad y lucidez que usa siempre en sus trabajos políticos y sociales, los fines tan variados como prácticos de su misión, una misión interesantísima y de gran alcance, que la Fundación Carnegie para la Paz Mundial ha encomendado a su amor cívico y a su entereza moral, con la certeza de que en toda la América Latina sería escuchada con deferencia y simpatía la palabra del amigo y colaborador de Elihu Root, el estadista insigne, que tan sinceras pruebas dió cuando estaban a su cargo las relaciones exteriores de la gran Unión, de su respeto a los derechos de los demás pueblos y a la personalidad jurídica de las otras naciones, y cuya nobilísima ambición es, en la actualidad, agrupar a todo el Nuevo Mundo en una amplia, desahogada e imponente solidaridad de cultura.

### Respuesta de Mr. Bacon

Tenho certeza, meus senhores, de que me desculpareis se em vez de fazer um discurso na minha propria lingua para corresponder ás vossas benevolas saudações de boas vindas, as quaes me têm commovido profundamente, vos diga algumas palavras de agradecimento na vossa bella lingua, com a convicção de que, embora mal exprimidas, ellas veem do meu coração.

Sei ser uma ousadia falar-vos em portuguez, mas peço a vossa benevolencia por dous motivos. Em primeiro lugar devo referir-me á alta admiração que sempre senti pelas nobres tradições portuguezas que recentemente tem sido avivada pela minha estada em Lisboa, d'onde acabo de chegar. Lá ao pé da estatua do grande Camões, veio-me ao pensamento o insigne brasileiro, cujas eloquentes palavras e escriptos primeiro fizeram-me apreciar as bellezas dos "Lusiadas" e os incantos das "Rimas"; refiro-me ao illustre e gentil Joaquim Nabuco, sabio, poeta e estadista, a quem cheguei a conhecer e querer durante uma admiração íntima de quatro annos em Wáshington e a quem me orgulhava de chamar meu amigo.

Outro motivo que offereço para iniciar o emprego da vossa bella lingua, é que na vespera da minha partida dos Estados Unidos, no banquete onde tambem pude saudar o meu estimado amigo, o Sr. Embaixador Domicio da Gama, tive o grande prazer de achar-me sentado ao lado do vosso illustre Ministro das Relações Exteriores, o Exmo. Sr. Lauro Müller o qual, com a gentileza e as maneiras incantadoras naturaes á sua raça e nação, nos dirigiu a palavra em muito bom inglez. Os meus compatriotas nunca esquecerão o prazer que produziu a visita do Dr. Müller e a insigne honra que nos fez o seu paiz quando o enviou para retribuir a visita do nosso querido Elihu Root. Para nós da Universidade de Harvard foi caso de gratidão especial que elle aceitasse o nosso diploma e assim chegasse a ser membro da nossa familia Harvardiana.

Tenho a honra de ter sido enviado ao Brasil pela Fundação para a Amizade Internacional, da qual o Sr. Root é cabeça e alma. A mensagem que trago delle é uma mensagem de boa vontade, a qual, segundo uma phrase do eminente publicista e jurisconsulto, o Exmo. Sr. Ruy Barbosa, tem verdadeiramente “a sancção da opinião americana”, mas especialmente é uma mensagem de affectuosa estima de Elihu Root para os seus bons amigos aqui. Esta missão me faz sentir mais orgulhoso que qualquer outra de que tenha sido incumbido durante a minha vida.

E como posso eu começar a exprimir meus sentimentos á primeira vista de cidade admiravel, da cidade magica de Rio de Janeiro? Porque, apesar de tudo que se tenha dito e escripto de suas bellezas e grandezas incantadoras, estas excedem completamente aos meus mais extravagantes sonhos. E' incomparavel, e vos invejo o prazer e a inspiração continua, a força e corage que devem provocar tal meio.

Uma vez mais, meus senhores, vos asseguro a minha profunda gratidão por vossa cordial recepção e a excelsa honra que me tendes concedido.

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[Traducción del Portugués]

Estoy seguro, señores, de que me disculparéis si en vez de hacer un discurso en mi propia lengua para corresponder a vuestros benévolos saludos de bienvenida, los cuales me han conmovido profundamente, os dirija algunas palabras de agradecimiento en vuestro bello idioma, con la seguridad de que, aunque no estén bien expresadas, vienen del corazón.

Parece ser una osadía hablaros en portugués, pero solicito vuestra benevolencia por dos motivos. En primer lugar debo referirme a la alta admiración que siempre sentí por las nobles tradiciones portuguesas, que recientemente ha sido avivada por mi estancia en Lisboa de donde acabo de llegar. Allí, al pié de la estatua del gran Camoens, recordé al insigne brasileño cuyas elocuentes palabras y escritos me hicieron por primera vez apreciar las bellezas de Las Lusiadas y los encantos de Las Rimas, me refiero al ilustre y amable amigo Joaquín Nabuco, sabio, poeta y estadista, a quien llegué a conocer y a querer durante una amistad íntima de cuatro años en Washington y a quien me enorgullecía en llamar mi amigo.

Otro motivo que ofrezco para emplear vuestra bella lengua, es que, la víspera de mi salida de los Estados Unidos, en el banquete donde también pude saludar a mi estimado amigo, el Embajador Domicio da Gama, tuve el gran placer de hallarme sentado al lado de vuestro ilustre ministro de relaciones exteriores, Su Excelencia Sr. Lauro Müller, el cual, con la gentileza y las maneras encantadoras naturales de su raza y nación, nos dirigió la palabra en correcto inglés. Mis compatriotas nunca olvidarán el placer que les produjo la visita del Sr. Müller y la insigne honra que nos confirió su país cuando lo envió para devolver la visita de nuestro querido Elihu Root. Para nosotros, los de la Universidad de

Harvard, fué motivo de gratitud especial el que él aceptara nuestro diploma y así llegara a ser miembro de nuestra familia Harvardiana.

Tengo la honra de haber sido enviado al Brasil por la Fundación para la Amistad Internacional, de la cual el Sr. Root es cabeza y alma. El mensaje que traigo es un mensaje de buena voluntad, el cual, según una frase del eminente publicista y jurisconsulto, Sr. Ruy Barbosa, tiene verdaderamente la "sanción de la opinión americana", mas es especialmente un mensaje de afectuosa estimación de Elihu Root a sus amigos de aquí. Esta misión me hace sentir más orgullo que cualquiera otra que me haya sido confiada durante mi vida.

¿Y cómo puedo comenzar a expresar mis sentimientos al ver por primera vez esta ciudad admirable, la ciudad mágica de Río de Janeiro? Porque a pesar de todo lo que se haya dicho o escrito de sus bellezas y sus grandezas encantadoras, éstas exceden completamente a mis más extravagantes sueños. Es incomparable, y yo os envidio el placer y la inspiración continua, la fuerza y el valor que debe provocar tal medio.

Una vez más, señores míos, os aseguro mi profunda gratitud por la cordial recepción e insigne honra que me habéis concedido.

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[Discurso pronunciado en francés]

C'est pour moi un très grand plaisir de visiter, bien que pendant quelques jours, trop courts à mon gré, quelques-uns des peuples et des pays de l'Amérique du Sud, car ce fut toujours un de mes vœux les plus chers, que je n'ai pu réaliser encore que partiellement, de voir de mes propres yeux vos admirables contrées, les merveilles de votre civilisation, de me rencontrer de nouveau avec des amis que j'ai connus et aimés dans d'autres parties du monde, d'y nouer de nouvelles amitiés qui ajouteront un nouveau charme à la vie et dont je garderai un souvenir que ni le temps, ni la distance, ne sauraient ni effacer, ni obscurcir. Je viens chargé d'un message de bon vouloir de la part de votre ami dévoué, votre grand admirateur, Monsieur Elihu Root. C'est à sa requête, devancée par mon propre désir, que j'ai l'honneur de me présenter devant vous. Je voudrais pouvoir vous dire tout ce qu'il vous dirait lui-même, s'il était ici présent, si, prenant la parole, il vous adressait le salut de sa vieille amitié; les expressions différeront, peut-être, mais l'esprit qui les animera, je vous prie de le croire, sera absolument le même.

La visite que vous venez de faire, Monsieur le Ministre, aux États-Unis portera une influence permanente pour le bien. Nous avons essayé de vous montrer les vrais sentiments de bienvenue qui se trouvaient dans nos coeurs. Nous avons beaucoup à apprendre de la courtoisie et de l'hospitalité pour lesquelles vous, les Brésiliens, vous vous trouvez si dignement renommés. Mais comme l'a bien dit le Sénateur Root, les vrais sentiments de bienvenue qui existaient pour vous dans les coeurs du peuple des États-Unis valaient beaucoup mieux que toutes les manifestations que le Gouvernement des États-Unis aurait pu faire.

On a parlé de ma mission (de la part de la Fondation) comme mission d'amitié et de bonne volonté. C'est bien vrai et j'en suis fier, mais n'est-ce pas vrai aussi, que, comme il existe déjà des amitiés très liées, l'on peut aller plus loin encore ?

De ma part je voudrais qu'elle soit considérée plutôt comme mission de coopération et de concours entre vieux amis, pour discuter, étudier, tracer des voies pratiques par lesquelles nous pourrions travailler ensemble et marcher en avant vers le progrès, vers l'idéal de l'humanité, et toujours vers plus de lumière, pour le triomphe du Droit dans le monde, en substituant à l'appel à la force l'appel à la justice ; enfin, vers une opinion internationale qui sera la vraie sanction du Droit International.

Les peuples de nos deux Républiques sont idéalistes. Tout récemment Monsieur Hanotaux, ancien Ministre des Affaires Étrangères de France, a écrit : "A la conférence de la Haye, ce sont les représentants des républiques sud-américaines, et notamment du Brésil, qui ont exposé les idées les plus hardies et les plus originales ; ils ont été positivement à la tête de la pensée humaine ; et voilà qui mérite aussi quelque considération."

Les nobles paroles prononcées par Monsieur Root en 1906 au Congrès Pan-Américain, représentent aujourd'hui les sentiments, les idéals du peuple des États-Unis avec la même vérité, avec la même force qui leur étaient vraies il y a sept ans ; car les Gouvernements peuvent changer, mais les sentiments du peuple restent toujours les mêmes. J'aime toujours à penser à cette mémorable déclaration comme La Doctrine Root—si vous permettez—the doctrine of sympathy and understanding, of kindly consideration and honorable obligation—dont je me considérais si fier d'être digne d'en parler comme humble apôtre.

J'aimerais que vous me considérez comme inaugurant une série de visites internationales qui se poursuivront, sans interruption et tourneront à notre mutuel avantage, en mettant en rapport les représentants autorisés de la société et du monde intellectuel des contrées du Sud ainsi que de celles du Nord, et en vous invitant à coopérer à l'établissement d'institutions internationales qui deviendront, nous l'espérons, des centres de bon vouloir, qui répandront et populariseront des principes justes et progressifs de droit international ; dont peuvent dépendre les bonnes relations internationales, et qui, par différentes voies, directement et indirectement, par un échange de pensées, un échange de vues et une heureuse combinaison d'efforts parviendront à fortifier les liens d'amitié qu'un passé commun, des institutions communes et un but commun provoquent et réclament.

L'histoire et la nature ont fait naître et grandir un profond sentiment de solidarité, non seulement entre les États de l'Amérique latine, mais encore entre les Républiques du Sud et les États-Unis. Il importe de maintenir et de fortifier cette solidarité, qui, en raison de sa double origine, unit indissolublement les nations du nouveau Continent, dans le passé, dans le présent et dans l'avenir.

Il suffit de jeter les yeux sur l'histoire politique du Nouveau Monde pour voir l'intérêt constant qu'ont porté les États-Unis à la lutte entreprise

par les États de l'Amérique latine afin de s'affranchir d'abord de la métropole et de défendre ensuite leur indépendance conquise contre toute tentative de conquête de la part des puissances européennes. Il suffit aussi de rappeler brièvement qu'après l'émancipation, les États-Unis ont fourni aux États latins les formes et les bases de leurs institutions politiques, notamment de leur régime républicain et démocratique à une époque où précisément les vieilles institutions politiques de l'Europe étaient loin de répondre aux idées de liberté et aux conditions sociales des deux Amériques.

Tout ce passé de gloire dans l'histoire du Nouveau Monde doit fortifier de jour en jour les liens indestructibles de solidarité qui ont uni les nations américaines depuis leur naissance à la vie politique.

La nature consolide encore l'oeuvre de l'histoire. La situation continentale des États du Nouveau Monde a fait naître une série de problèmes communs à tous les États de ce Continent, créant de la sorte entre eux de nouveaux liens de solidarité. Grâce aux progrès de la civilisation et au perfectionnement des moyens de communication, on a compris, de nos jours, en Amérique, l'impérieuse nécessité de résoudre uniformément les problèmes nés des situations et conditions spéciales au Nouveau Continent.

Devançant en quelque sorte l'Europe, dont les grandes puissances ne se rencontraient en conférence qu'à la suite de guerres et pour déterminer les conditions de la paix, tous les États de l'Amérique se sont réunis en des conférences pacifiques, afin de traiter les questions communes à tout leur continent; d'où le nom et l'origine des conférences pan-américaines. Ces conférences ont été des plus fructueuses—un certain nombre de problèmes d'intérêt américain ont été étudiés; des conventions importantes ont été signées en vue de développer la vie sociale et intellectuelle du Nouveau Monde. Enfin, les représentants des divers États américains ont ainsi appris à se mieux connaître et ils ont pu se rendre compte combien multiples et puissants sont les liens qui unissent tous les États américains.

Les sentiments de solidarité et de fraternité qui groupent dans une communauté d'intérêts les États du Nouveau Monde doivent donner naissance à une oeuvre d'union et de concorde. La voie est déjà ouverte; de nombreux et fertiles résultats ont été obtenus; il importe donc de parvenir et de réaliser de plus en plus l'entente et l'harmonie. Il faut surtout dissiper le malentendu du Sud à l'égard de la politique des États Unis. Comme l'a dit solennellement mon devancier, Monsieur Root, ce pays désire avant tout que la paix et la prospérité règnent dans l'Amérique latine afin de fortifier et de resserrer les liens d'amitié et de fraternité qui doivent unir tous les peuples américains.

J'ai l'honneur de m'adresser à vous non pas simplement en mon nom personnel, mais, au nom de la Fondation Carnegie pour la paix internationale dont le Sénateur Root est président, et de vous inviter au nom et de la part

des administrateurs de la Fondation de lui prêter votre concours par tous les moyens qui vous paraîtront possibles et convenables.

En d'autres termes, le désir de Monsieur Root est d'éveiller autant que possible l'intérêt et la sympathie des maîtres de l'opinion dans l'Amérique du Sud et de les gagner aux diverses entreprises que la Fondation cherche à favoriser dans l'intérêt de meilleures relations internationales, de sorte qu'ils puissent prêter d'une façon pratique leur concours à l'œuvre poursuivie. Vous n'ignorez pas, sans doute, qu'il y a entre les mains des administrateurs de la Fondation une importante dotation dont les intérêts devront être consacrés à favoriser ces objets. Or, les administrateurs, après avoir examiné par quelles voies ils pourraient atteindre le but en vue duquel la dotation avait été constituée, ont formulé une déclaration d'objets spéciaux auxquels seraient consacrés les revenus, parmi lesquels sont :

a) Encourager des recherches et des études scientifiques et approfondies sur les causes de la guerre et sur les moyens pratiques de la prévenir et de l'éviter.

b) Aider au progrès du droit international; amener une entente générale sur les principes de ce droit; travailler à les faire accepter par toutes les nations.

c) Répandre tous renseignements et faire l'éducation de l'opinion publique concernant les conditions, la nature et les effets de la guerre, et sur les moyens de la prévenir et de l'éviter.

d) Établir parmi les habitants des pays civilisés une meilleure intelligence des droits et des devoirs internationaux, et un sentiment plus droit de la justice internationale.

e) Cultiver les sentiments amicaux entre les habitants des différents pays et augmenter la connaissance et l'entente réciproques entre plusieurs nations.

f) Encourager l'acceptation générale des moyens pacifiques pour le règlement des différends internationaux.

g) Entretenir, encourager et aider les établissements, les organisations, les associations et agences qui seront jugés nécessaires ou utiles à la poursuite des desseins de la Fondation ou de certains uns d'entre eux.

Pour remplir ces objets, le travail de la Fondation a été réparti en trois divisions :

1. La division des Rapports et d'Éducation, dont M. le Dr. Nicholas Murray Butler, président de l'Université de Columbia, est le directeur.

2. La division d'Économie Politique et d'Histoire, dont M. le Dr. John Bates Clark est le directeur.

3. La division de Droit International, dont le Secrétaire de la Fondation, M. le Dr. James Brown Scott, est le directeur.

Les divers objets mentionnés ci-dessus ont été convenablement répartis entre ces trois divisions.

Il n'entre nullement dans la pensée des Administrateurs de la Fondation de l'organiser de telle façon qu'elle vienne elle-même comme un missionnaire cherchant à répandre l'évangile de la paix, ni même qu'elle cherche à exprimer directement ses propres idées au monde ; son action devra se borner à favoriser et à développer dans chaque contrée et dans tous les pays l'organisation et la mise en activité des forces nationales favorables à la paix. Elle ne vise pas tant à ajouter une nouvelle organisation en faveur de la paix à celles qui peuvent déjà exister dans le monde, qu'à apporter une nouvelle vigueur aux activités qui tendent d'une façon pratique à rendre la paix plus sûre.

Pour aider ces trois divisions de la Fondation dans leur travail, une organisation importante et effective a été constituée en Europe comme dans l'Amérique du Nord, organisation qui comprend un grand nombre d'hommes d'État éminents et grandement respectés, des publicistes et des savants.

L'estime et l'amitié que les administrateurs de la Fondation nourrissent pour les peuples de l'Amérique latine et pour nombre d'Américains latins distingués, avec lesquels ils ont eu d'agréables relations d'amitié, les a conduit à souhaiter que l'œuvre de la Fondation puisse trouver dans l'Amérique du Sud des collaborateurs aussi actifs et aussi utiles que ceux qu'elle a rencontrés en Europe.

Laissez-moi vous citer directement un passage des instructions que m'a données Monsieur Root, au lieu de les paraphraser comme j'ai fait à plusieurs reprises. "Vous remarquerez," dit-il, "qu'un des moyens par lesquels la Division des Rapports et d'Éducation se propose de favoriser la bonne entente entre les nations, consiste en une série de visites d'hommes représentatifs. En conséquence, sous les auspices de la Division, directement ou indirectement, le Baron d'Estournelles de Constant, de France, la Baronne von Suttner, d'Autriche, et le Professeur Nitobe, du Japon, ont déjà visité les États-Unis ; le Président Eliot, de l'Université Harvard, a visité l'Inde, la Chine et le Japon, et le Dr. Hamilton Wright Mabie est maintenant au Japon. Votre visite dans l'Amérique du Sud rentre dans cette catégorie, mais elle a, cependant, un intérêt plus déterminé et plus spécial que les voyages que je viens d'énumérer ou qui sont projetés pour l'objet que j'ai mentionné, car elle n'a pas simplement pour but de fortifier la bonne entente en établissant des relations personnelles entre un homme de l'Amérique du Nord et des hommes distingués de l'Amérique du Sud, mais elle a encore pour but de porter à la connaissance des hommes marquants de l'Amérique du Sud les travaux, les vues et l'idéal de la Fondation, et d'inviter les amis que nous possédons dans le sud de l'Amérique à se joindre à nous avec cordialité et sympathie pour encourager la grande œuvre à laquelle nous nous sommes consacrés."

Tel est l'esprit plein de bons sentiments, de douce sympathie qui a inspiré ma mission ; je n'ai pas besoin de vous dire que c'est aussi l'esprit dans lequel je tâche de la remplir. Les sujets que je suis chargé de vous exposer en dehors



des questions générales concernant l'objet, les vues de la Fondation et les voies et moyens par lesquels les Administrateurs s'efforcent de les atteindre et de les réaliser sont :

1. La constitution de Sociétés nationales de droit international, qui seront rattachées à l'Institut Américain de droit International.

2. Faire entrevoir aux gouvernements des divers pays que j'ai l'honneur de visiter l'opportunité qu'il y aurait de participer à la création projetée d'une Académie de Droit International à La Haye par l'envoi par chaque Gouvernement d'un ou de plusieurs représentants à cette Académie, dès qu'elle sera organisée.

3. La nomination d'une commission nationale pour l'étude des questions à soumettre à la prochaine conférence de La Haye, et pour prendre des mesures pour que toutes ces commissions en Amérique puissent communiquer entre elles.

4. La constitution de Sociétés Nationales pour la Conciliation Internationale qui se rattacheraient à l'Association de Conciliation Internationale séant à Paris, qui est la mère de ces associations.

5. Prendre des dispositions pour que des données puissent être fournies pour les travaux de la Division d'Économie Politique et d'Histoire, conformément au programme dressé à Berne par le Congrès des Economistes pendant l'été de 1911—et en ce qui concerne ce dernier sujet qu'il me soit permis de rappeler que M. le Dr. Kinley, qui a été nommé membre de la Commission de Recherches pour s'occuper plus spécialement de ce qui a trait à l'Amérique du Sud, fera prochainement une visite dans ce pays, pour spécifier ce qui peut être fait pour aider les recherches de cette Division, il demandera l'avis et les conseils des hommes les plus importants de l'Amérique du Sud, et invitera plus particulièrement les économistes et les historiens de ces contrées à collaborer dans la mesure qui leur paraîtra possible et convenable aux projets relatifs à l'Amérique du Sud autant qu'ils les trouveront propres à être examinés et étudiés.

Qu'il me soit permis de faire une dernière citation de Monsieur Root :

"L'Administration de la Fondation se rend bien compte que les progrès dans l'œuvre qu'ils ont entreprise seront nécessairement lents, et que les résultats les plus substantiels n'apparaîtront que dans un avenir éloigné. Nous avons à compter avec des habitudes, des tendances profondément enracinées dans la nature humaine, car elles s'y sont développées au cours de milliers d'années; tout ce que peut espérer faire une génération c'est d'amener graduellement quelque changement dans la manière de vivre. Toute évaluation d'un pareil travail et de ses résultats ne saurait trouver sa mesure dans la vie éphémère des individus, mais dans la vie séculaire des nations. Mais quelque maigres que soient ses résultats immédiats, il n'y a pas de plus noble objet pour l'activité humaine que d'exercer son influence sur les tendances de la race, de façon qu'elle se meuve dans la direction de la civilisation et de l'humanité, et s'éloigne de la barbarie. C'est pour les faire participer avec nous à cette noble tâche que nous vous demandons d'inviter nos amis de l'Amérique du Sud avec l'assurance la plus sincère, et sans réserve, de notre haute considération et de notre profond respect."

Le développement scientifique du Droit International qui est toujours un des intérêts les plus forts, auquel Monsieur Root a consacré une si grande partie de son génie, a montré un progrès remarquable. La Deuxième Conférence de la Haye, comme on l'a dit, a marqué un progrès vers le juste et paisible règlement des relations internationales plus grand qu'on n'a jamais fait auparavant d'un seul pas, sauf peut-être le progrès fait à la Première Conférence de la Haye.

Les rêves d'hier sont les réalités d'aujourd'hui; les rêves d'aujourd'hui deviendront les réalités de demain. Les rêves de Rolin-Jaequemyns, Lieber, Calvo, Rio Branco, Nabuco et d'autres convaincus deviennent déjà les faits d'aujourd'hui; l'esprit de leurs doctrines est devenu un principe de notre époque.

La Direction de la Fondation Carnegie croit que ce progrès pourrait être accéléré par des voies pratiques. Elle a la conviction que les idéals des coryphées de la pensée peuvent être avancés plus vite, de sorte que le monde puisse en ressentir les bienfaits par un concert d'efforts dans quelques activités pratiques bien précisées. C'est pourquoi je suis venu vous solliciter le précieux concours et la coopération.

Je vous remercie encore une fois de votre si bienveillant accueil.

### Discurso del Senador Ruy Barbosa,

PRONUNCIADO EN LA RECEPCIÓN EN LA BIBLIOTECA NACIONAL,  
RÍO DE JANEIRO, 10 DE OCTUBRE 1913

*Senhores:*

Não é de vos apresentar um hospede illustre que me cabe agora a missão. Ao Sr. Robert Bacon bastaram estes quatro dias de estada entre nós, para que todos já o conheçamos com alguma coisa da impressão de uma antiga amizade. No digno successor do Sr. Elihu Root se reflectia, desde o começo, aos nossos olhos, a imagem, cara aos brasileiros, do seu mestre e antecessor na secretaria de Estado sob a administração do eminente americano, cuja politica se fez sentir em beneficios a este continente e ao outro. Quantos, porém, delle se approximaram, tiveram, para logo, a sensação de um merecimento alimentado pela sua propria luz, uma luz saudavel, communicativa e insinuante, que se diffunde, suave e tranquillamente, em intimidade, persuasão e sympathia entre os que se lhe acercam.

Da primeira vez que o ouvimos, ante-hontem, na embaixada americana, acarinhados pela hospedagem de Mr. Morgan, fino diplomata a cujo incanto não se resiste, surpreendeu-nos o recém-chegado com uma allocução, cujo exordio, redigido em nosso idioma, lhe sahiu dos labios correcto e correntio, apenas com uns longes de accento estrangeiro, como se, na sua bocca, a palavra estivesse, ha muito, familiarisada com a nossa lingua. Com este primor de gentileza nos mostrava elle, sem esforço, por inspiração da sua sinceridade, os milagres, de que é capaz a cortezia e a benevolencia, no espirito de um filho dessa raça dos Estados Unidos, que no seu typo reune as virtudes, aptidões, e talentos de todas as outras.

Não podiam, já se vê, ter acertado melhor o tino e a mão dos que o elegeram, para nos vir trazer, da parte de Mr. Root, de Mr. Brown Scott e de todos os amigos da paz na America do Norte, essa mensagem, que o nosso coração e a nossa cultura recebem com alvoroço. Por um e outro se ergue, neste momento, a minha voz, embora seja, de quantas neste auditorio se poderiam levantar, a menos autorisada para lhe responder. As circunstancias é que me confiam esta procuração, incumbindo-me, como presidente da Academia Brasileira e membro do Instituto dos Advogados, a tarefa de corresponder, em nome dos que, nesta terra, leem e pensam, escrevem e falam, ao appello desta visita.

Na conferencia que hoje ides escutar, nos vae dar o nosso generoso amigo, as primicias de um dos assumptos, que mais interesse entre nós despertam, occupando-se alguma coisa com os trabalhos preliminares á terceira conferencia da paz. A assembléa de escól aqui reunida neste centro de educação publica, recolherá com anciedade os fructos da meditação e da experiencia do orador quanto aos actos preparatorios de um acontecimento, cuja expectativa afagamos como uma das melhores do nosso tempo.

Nunca o sentimento brasileiro se apaixonou tanto por um caso internacional de character incruento, como por esse congresso, que, ha seis annos, juntou em Haya, na antiga Sala dos Cavalleiros, as delegações de todos os povos cultos da terra, empenhados em reduzir o dominio da guerra na superficie do globo. Não que nos desvanecesse a nossa modesta parte no espectáculo das luctas de uma arena, que tinha por amphitheatro o mundo. Mas porque a importancia, até então sem equal, da campanha ali travada pelo direito com as armas da razão, despertando em nossa consciencia fibras não habituadas a vibrar, revelou, sob essa influencia nova, uma correspondencia, de que ainda não se tinha a intuição, entre os instinctos moraes da nossa nacionalidade, como de toda a parte san da America Latina, e o ideal que congregava no lar da velha Hollanda, como no coração da justiça, á sombra das suas tradições de independencia e liberdade, o segundo concilio ecumenico da paz.

Deixae passar esta cognominação religiosa, que me acode á mente sem pretensão de atavios, como expressão natural da reverencia que nos inspira o objecto, quasi sagrado e divino, das aspirações, que tiveram força, para enlaçar num congresso, de todas as regiões do planeta, os mais distantes e esparsos membros da familia humana. Não era uma igreja, com titulos de universalidade mais ou menos justos, que ali celebrava os estados geraes da sua catholicidade, mas o consorcio de todas as igrejas, de todas as confissões e de todos os credos no culto commum dessa fórmula suprema da caridade que se traduz na reducção dos conflictos armados entre as nações.

O espectáculo daquelles reis, que desciam dos seus thronos, para seguir o rastro de uma estrella em busca do berço de Christo, vinha a renovar-se, com proporções de uma grandeza que excede a epopéa, nesse movimento que ajuntava os senhores dos exercitos e os arbitros da guerra em torno da idéa de humanisação dos homens pelo amor uns dos outros, com que desde o Calvario o céu nos estava

sorrindo um futuro, alongado, ha vinte seculos, para distancias incalculaveis na extensão do tempo. O emblema christão, que encetara o seu apostolado através das batalhas nas insignias da Cruz Vermelha, abrindo, entre os fratricidios da guerra, uma zona de fraternidade, começou a dominar um horizonte, de que até ahi só haviam cogitado os sonhadores, no dia em que todas as divisões de crenças e seitas cessaram, para deixar fundidas todas as raças nessa communhão de um trabalho universal pela irmanação dos povos.

Quando esse pensamento encontrou o seu esboço inicial na conferencia de 1899, cuja magnificencia a de 1907 veio duplicar, de um facto de tal relevancia não deu conta a politica brasileira. Embora fosse o nosso governo (creio não me enganar) o unico da America do Sul, contemplado nos convites, de que a chancellaria de S. Petersburgo teve a disposição, não acudiu o Brasil a esse chamado, que nos abria ensejo a uma precedencia tão lisonjeira. Mr. Andrew D. White allude, na sua *Autobiographia*, ao espanto causado em Haya pela indifferença dessa nossa attitude, imputando á negligencia do novo regimen esse erro, que ali se acreditava não teria commettido o governo imperiál.

Não podíamos reincidir no descuido em 1907, porque, estendendo-se a convocação a todos os governos constituídos, não nos seria licito abrir com a nossa ausencia excepção singular ao concurso dos outros. Depois regia, então, aqui, a pasta das relações exteriores um espirito vigilante sobre os interesses da nossa reputação no estrangeiro e nutrido no conhecimento das grandes questões internacionaes. Mas o que, nessa phase da nossa historia, nos desaggrava da falta commettida oito annos antes, é o fervor, com que a opinião publica, entre nós, acordou aos echos dos debates de Haya, com que se lhe penetrou do alcance, com que animou os seus representantes, na missão tão cheia de accidentes, espinhos e receios, que lhes coube.

Nenhuma nação acompanhou com mais assiduidade, mais emoção, nem, mais enthusiasmo as peripecias do consesso, em cujas assentadas fraternisavam todas as civilizações do oriente e do occidente. Nenhuma se mostrou mais sensivel á grandeza das controversias, que ali se agitavam. Nenhuma sympathisou mais intensamente com o trabalho, que ali se desenvolvia. Nenhuma sentiu de um modo mais vivo a sua solidariedade com a causa, que naquelle plenario sem exemplo se submettia á prova de um embate entre as tradições mais divergentes, os temperamentos mais contrarios e os interesses mais oppostos.

Não é por vaidade que rememoro as commoções desses dias, a cuja temperatura nos aquecia o sangue nas veias a chamma de outra vida, mas, ao contrario, para accentuar a magia dessa corrente, que, atravessando o Atlantico, vinha, entre os povos de menos actividade e menos energia civica, *ozonar* o ambiente, e revolver as multidões estagnadas. Os scepticos suppõem condemnadas ás abstracções da idealidade essas influencias moraes, esquecendo que o fluido mais poderoso na ordem physica do globo parece habitar as nuvens; mas, quando baixa dessas alturas, dilacerando a atmospherá, não ha obstaculos, que

lhe resistam e as suas descargas penetram, em *sideções* fulgurantes, até as entranhas da terra.

Esse hábito de calcular as colheitas da verdade e da justiça pelos resultados que se contam, pesam e medem, suscitou, entre os apreciadores ordinarios da conferencia de 1907, um côro de menospreços, irrisões e epigrammas contra a sua obra, ingratamente julgada. Porque? Porque a segunda conferencia nada fez pelo desarmamento. Porque sobre grande numero dos seus *desideranda* se teve de limitar a confissões de impotencia enunciadas sob a forma de votos, indicações e conselhos.

Mas, ao menos em parte, a conferencia de 1907 realisou os desejos articulados pela sua predecessora. O projecto de organização da justiça arbitral não se converteu em facto. Isso, porém, unicamente, porque os Estados mais fracos não se lograram entender com as grandes potencias quanto ao systema de nomeação dos membros dessa magistratura. Será impossivel, de futuro, esse accordo? Não o creio. O tempo não conhece difficuldades, a que não gaste as arestas, não desate os nós, e não resolva os enigmas. Grande verdade é a que animava a penna do meu nobre amigo, o Sr. Brown Scott, quando, no seu precioso livro sobre as conferencias de 1899 e 1907, escreveu: "A independencia dos Estados é o proprio postulado, onde assenta o direito internacional. Mas a solidariedade nos interesses tem-se feito sentir de maneira tal, que as nações têm cedido, e hão-de, para o futuro, ceder alguma coisa do absoluto na sua liberdade e independencia, do mesmo modo como da sua independencia e liberdade absoluta cede o individuo, em beneficio da sociedade, de que faz parte."

Assim que se deslindar, porém, esse embaraço, chegando-se a uma fórmula, cuja transacção concilie os direitos de uns com as pretensões dos outros, todo o demais terreno está vencido; porquanto, salvo no tocante a esse requisito, a segunda conferencia deixou constituida e prestes a funcionar a instituição concebida para exercer na sociedade universal das nações papel analogo ao so Supremo Tribunal Federal na união nacional dos Estados.

Mas a segunda conferencia não chegou somente a esse resultado. Baldaram-se as suas diligencias por concluir um tratado universal de arbitramento. Todas as nações, porém, ali firmaram o mais solemne dos actos, declarando-se unanimes em reconhecer o *principio do arbitramento como obrigação*, em reconhecer que certas differenças, e especialmente as relativas á intelligencia e applicação das convenções internacionaes, são susceptiveis de obedecer á regra do arbitramento obrigatorio sem restricção nenhuma. Ora não ha quem não sinta que na conferencia de 1899 teria sido impossivel obter das potencias reunidas em Haya o assentimento á fórmula dessas duas declarações, onde as soberanias renunciavam em beneficio da justiça um territorio já immenso.

Oito annos bastaram, portanto, para se adeantar, no caminho da conciliação dos Estados pelo direito, essa extensão incalculavel. Só a forma diplomatica, em que se envolveu essa conquista, é que não deixou sentir a revolução, que ella

exprimiam nas leis do direito das gentes e no sentimento das mais poderosas nacionalidades.

Os ironistas, que, ao encerrar-se o grandioso congresso, se divertiram em exercer sobre a insignificancia dos seus actos a causticidade do seu desdem, tiveram a capricho de orçar o que a segunda conferencia da paz custara aos differentes governos como á imprensa, em dinheiro de contado; e a estimação, mais ou menos arbitraria, a que se deram, computou a despeza total em quatro mil e quinhentos a nove mil contos, o que, no sentir de taes juizes, para tão magro proveito, estava longe de valer a pena. Mas um diplomata americano de notavel reputação, que eu conheci em Haya, prestando relevantes serviços na legação chinesa, de que era membro, Mr. John Foster, nas suas *Memorias*, dadas a lume ha tres annos, liquidou essa futilidade, respondendo que, ainda admittida como mais ou menos exacta essa avaliação, a quantia era apenas um terço do em que importa um moderno encouraçado.

Qualquer potencia, entretanto, das menos folgadas nas suas finanças, actualmente se dá, sem hesitar, ao luxo de triplicar, ou sextuplicar, esse desembolso, para ter de prevenção, embora não esteja correndo riscos provaveis de guerra, uma ou duas dessas machinas, cujo poder hoje tão ameaçado se acha pela multiplicação dos inimigos submarinos e aéreos, com que a sciencia apparelha o exterminio de esquadras e exercitos em massa.

Veja-se agora o que realmente nos deixou em fructos de uso pratico e beneficio verificavel a ultima collaboração das nações em Haya: a convenção de 18 de Outubro sobre a liquidação pacifica dos conflictos internacionaes; o novo regimen estabelecido para as commissões de inquerito; a instituição de um tribunal internacional de presas; a adopção de novas leis sobre os costumes da guerra maritima e terrestre; a protecção do commercio neutro contra a guerra; o estabelecimento de uma côrte permanente de arbitramento. Tudo isso em quatro mezes apenas de trabalhos, cuja complicação e multiplicidade abrangiam todo o círculo das questões internacionaes.

Seria acaso razoavel exigir que fosse mais consideravel o seu activo, que ella houvesse descoberto o meio de compellir as potencias a recuarem na emulação dos armamentos, militares, e definitivamente substituido a guerra pelo arbitramento? Ninguem de boa consciencia o dirá. No julgar o valor de um remedio humano, temos de attender, não só aos beneficios visiveis que opera, mas aos males possiveis, que evita. A primeira conferencia de paz não impediu que a propria Russia, cuja iniciativa a convocara, se visse arrastada, em 1904 e 1905, a uma desastrosa lucta com o Japão. A segunda não evitou a guerra da Italia com a Turquia, nem a da Turquia com a Grecia e os Estados Balkanicos. Mas, lado a lado com esse passivo, cujo desconto é sempre de esperar em todos os progressos da humanidade, seria necessario inscrevermos, para ser justos, o crédito amplo, que lhe corresponde, em difficuldades oppostas ás emergencias de guerra por essas relações de solidariedade moral e material, para cujo desenvolvimento as duas

assembleas de 1899 e 1907 contribuíram mais que nenhuma outra influencia até hoje registada na historia das nações.

A este respeito, dizia o presidente da segunda conferencia da paz, encerrando-lhe os trabalhos, "esta conferencia realisoou o maior progresso, que até hoje viu o genero humano." O mesmo testemunho dava, pouco depois, com uma autoridade que raras outras rivalisam, o Sr. Elihu Root, escrevendo: "A obra da segunda conferencia de Haya representa o maior avanço, que nunca se consummou, de uma só vez, para a composição razoavel e pacifica dos conflictos internacionaes, se do cotejo exceptuarmos o que se obtivera com a conferencia de 1899. A vantagem alcançada com as duas autorisa a convicção de que o mundo enveredou por uma sequencia regular, atravéz de cujo caminho, passo a passo, mediante successivas conferencias, cada uma das quaes tome como seu ponto de partida o em que rematou a obra da sua antecessora, progridamos continuamente no harmonizar as suas normas de paz com a pratica das nações civilisadas."

Não se atina como pudesse caber ainda nas imaginações mais exaltadas o devaneio de que a Segunda Conferencia da Paz vingasse terminar as suas deliberações, promulgando o desarmamento geral e a extincção da guerra. Foi, todavia, mais ou menos segundo esse criterio que aferiram as suas sentenças os menos presadores da benemerencia daquelle congresso de soberanias, esquecendo quão diverso é o de que ninguem se recusa a usar, quando se pronuncia sobre a utilidade das assembleas legislativas. Em todos os paizes, anno após anno, funcionam grandes corpos deliberantes, a que uma regra politica hoje universalisada commette a incumbencia de satisfazer, por meio de resoluções imperativas, ás necessidades publicas, e remediar os males geraes. Não obstante, bem que essas autoridades collectivas tenham o exercicio das suas attribuições facilitado mediante o principio inconcusso, que termina as questões pelo voto das maiorias, annualmente se renova a tarefa das legislaturas, sem que se dêem jamais por curados os achaques sociaes, ou satisfeitas as exigencias do povo; e, contudo, ninguem contesta á acção legislativa a sua utilidade, ou a julga dispensavel no governo dos Estados.

Com as assembleas constituintes succede, a tal respeito, o mesmo que com os parlamentos. Nenhuma descobriu ainda um systema, que resolvesse todos os problemas da ordem e da liberdade em cada nação. Só a intervallos de gerações e gerações, ou seculos e seculos, se consummam as grandes transformações na lei fundamental dos Estados. Segundo o livro de Ames, estampado em 1897, até esse anno o numero de emendas alvitradas á constituição dos Estados Unidos já se elevava a mil setecentas e trinta e seis; e, entretanto, só quinze emendas, até hoje, soffreu aquella constituição. No Brasil necessarios foram noventa e sete annos, para que se visse triumphar, em 1889, a republica, pela qual, já em 1792 conspiravam e perdiam a vida os inconfidentes de Minas.

De modo que, ainda reduzida á vida interior dos Estados, a interferencia do legislador não se opera senão tacteando, adiando, conciliando, incerta, fragmentaria e lentissimamente. Como, pois, nos impacientarmos de que, em só oito

annos, os que vão de 1899 a 1907, um conselho de nações independentes e soberanas immunes, pois, á regra parlamentar das maiorias, não lograsse chegar a definitivo accordo sobre a maneira de acabar, na resolução dos seus conflictos, com a lei da guerra, que, desde que os homens são homens, é a lei das leis deste mundo?

No livro inestimavel do Sr. James Brown Scott, a que já nos referimos, ha tres ou quatro paginas admiraveis, onde se mostra, com a clareza da evidencia, a semelhança entre o processo organico de expansão observado no direito commum da Inglaterra e o que se verifica no direito commum das nações. Agora que, pela primeira vez, este se tenta codificar em normas escriptas, as tentativas de legislação vão achar na consciencia dos povos grandes elementos juridicos, elaborados no processo de um longo desenvolvimento, com os quaes se pode contar, para lançarmos as bases da futura justiça internacional. Mas nem porque a esse termo não se haja de chegar immediatamente, e até elle tenhamos de andar ainda muito caminho, antes que a civilização acabe por se divorciar da guerra, nem por isso, o que para a limitação desta já se tem conseguido nestes quatorze annos, mediante as conferencias de Haya e os progressos do arbitramento, deixa de ser um prodigio de rapidez e felicidade nos meios empregados e nas vantagens obtidas.

Se, como disse, com o acerto do seu tino e a precisão da sua clareza, o Sr. Elihu Root, “o mais valioso resultado da conferencia de 1899 consiste em haver tornado possivel a obra da conferencia de 1907”, similhantemente poderemos sustentar hoje que uma das mais estimaveis bençaõs da conferencia de 1907 está em haver creado para o mundo contemporaneo, a necessidade, que se não pode illudir mais, de utilizar o incentivo dos sentimentos de solidariedade internacional creados por esses dois actos, para, num terceiro impulso, honrar o testamento da ultima dessas duas assembleas, evocando-lhe a successora, cuja reunião ella nos deixou recommendada. E, como a celebração da terceira conferencia demandaria, nos trabalhos preparatorios, conforme ás previsões da segunda, uma anticipação de dois annos, parece estar madura a occasião, para que surja, acordando os descrentes ou esquecidos, a iniciativa dos competentes, abrindo a delicada phase dos estudos, que devem preceder o grande acontecimento.

Até onde me é dado julgar, esse appello não encontraria entre nós senão applausos, e o mesmo lhe aconteceria, supponho eu, nos outros paizes de toda essa parte do nosso continente, a que o presidente Nelidow, recapitulando os trabalhos da conferencia, na sua allocução de encerramento, rendeu esta homenagem: “A associação dos representantes da America Latina aos nossos trabalhos accrescentou, inquestionavelmente, elementos novos e de muita valia ao thesoiro da sciencia politica internacional, elementos cuja preço, até agora, não conheciamos senão mui imperfeitamente.”

Ao governo dos Estados Unidos se deve, não ha duvida nenhuma, sobre todos os outros, a convocação da Segunda Conferencia da Paz. Foi o presidente Roosevelt, com o descortino do seu espirito e o seu genio de acção, apoiados



successivamente na intuição liberal e na capacidade politica dos seus dois grandes secretarios de Estado, o Sr. John Hay, em 1904, e, especialmente, o Sr. Elihu Root, em 1905, o primeiro chefe de Estado, que acolheu sob o seu patrocínio essa idea, tornando-a, logo depois, exequível com a intervenção dos seus bons officios, mediante os quaes, com o tratado de Portsmouth, se poz termo á guerra russo-japóneza. Não foi senão por um rasgo de alto cavalheirismo, transparente no memorandum endereçado, em 12 de Outubro de 1905, pelo Sr. Elihu Root, ao embaixador russo, que o mediador laureado nesse triumpho humanitario cedeu ao chefe do imperio vencido na lucta, cujos desastres se acabavam de encerrar, essa iniciativa gloriosa.

Hoje á frente da administração dos Estados Unidos se acha uma das entidades mais altamente representativas da cultura americana, da sua intelligencia, da sua democracia, do seu bem entendido liberalismo, da sua solidariedade com os interesses de todo o orbe civilisado. A opinião brasileira já se familiarisou com o nome do Sr. Woodrow Wilson, em quem, entre nós, os juristas e os homens de letras, ha muito, admiravam o historiador, o constitucionalista, o escriptor politico de raros dotes, cujos livros tanto nos tem illustrado. Não precisamos de outras garantias, para acreditar que nas suas mãos generosas e habeis refluorescerá o precedente dessa tradição, que tanto honra o colosso da America do Norte.

Não sei bem, senhores, se me estarei adeantando por um terreno vedado. Mas, como as minhas palavras são destituídas tão absolutamente de qualquer missão ou expressão official quanto as do nosso eminente hospede, o Sr. Robert Bacon, animo-me a dizer o que sinto, com a franqueza que me é habitual, como simples cidadão brasileiro, membro da especie humana e amigo da philosophia, cujo gosto a vida politica ainda não me fez perder.

Não é por livre alvedrio meu que me deixei errar tão longamente por essas paragens seductoras. Meu intento, quando acceitei o encargo de vos falar aqui hoje, era apenas render ao illustre emissario da civilisação americana o preito da nossa cortezia e amizade, abrindo-lhe com algumas palavras o ensejo de occupar elle só esta sessão. Mas um mandado, a que me não podia furtar, obrigou-me a quebrar esse proposito de abstenção e brevidade. As reminiscencias de Haya, porém, me desviaram do rumo, que a principio cogitava de traçar ao meu discurso, distribuindo-o entre os differentes aspectos da embaixada moral, cuja boa nova nos vem trazer o Sr. Robert Bacon. De hontem quasi á noite até esta manhan não podia eu senão deixar correr a penna ao sabor da sua liberdade.

Assim não me sobrou largueza, para vos dizer o que vos devia sobre essa grande instituição, de tão generosa universalidade, cujo programma, organização e trabalhos nos descreveu de um modo tão vivo, no discurso de outro dia, o illustre representante da Fundação Carnegie.

Graças a essa criação do eximio philanthropo, que votou a sua abençoada fortuna ao bem dos seus semelhantes, já não haverá, entre as conferencias da paz, o vasio dessas intercadencias desoccupadas, em que se correria o risco de amortecer a chamma do fogo sagrado. Agora o estímulo e a direcção irradiam

de um foco permanente, preenchendo os intervallos mediante entre os successivos synodos universaes da paz, com o trabalho continuo dos operarios da justiça, organizados numa associação de intelligencias e vontades, cujos braços dentro em pouco enlaçarão o mundo civilisado.

Enviado ao Brasil pela Fundação Carnegie, “da qual o Sr. Elihu Root é a cabeça e alma”, o Sr. Robert Bacon pode estar certo de que “a mensagem de boa vontade”, cujo mandato em hora de bons auspicios o conduziu ao seio da familia brasileira, nos caiu no coração como orvalhada na semente das idéas á espera da humidade e calor do ambiente para germinarem.

Não sei até onde me será licito, sem presumpção, falar como o órgão dos meus conterraneos, dos que temos todos uma só patria, e nos embebemos desde o berço nos mesmos ares. Mas, se ainda não perdi, sem sentir, o contacto com a consciencia dos meus concidadãos, vos posso assegurar que estamos comvosco na communhão da paz internacional, e nos sentiremos venturosos, havendo occasião de collaborarmos comvosco, na fila dos ultimos obreiros, pela causa a que vos consagrastes.

Começastes outro dia o vosso discurso, cheio de tantas bellezas espontaneas, falando-nos, com uma eloquencia rescendente á poesia, nas maravilhas do quadro, com que, ao aportardes aqui, vos enfeitiçou a visão desta cidade, velando estrellada numa noite de azul, e abrindo o seu sorriso pela madrugada á flor das aguas verdes. Acreditastes que della se desprenderá, para os que lhe habitam entre os jardins e as collinas, entre os ceus e as aguas, uma inspiração continua, uma emanação incessante de coragem e energia.

Oxalá que, neste Eden, possamos, pela condignidade e harmonia entre o homem e a natureza, evocar, acima da cidade terrestre, e vel-a espelhar-se nesta, a imagem da cidade ideal, a cidade do bem, a verdadeira cidade de Deus, aonde venham ter os sopros do Norte, carregados do pollen dessa liberdade, que, semeada, ha quasi trezentos annos, pelos exilados do *Mayflower* nas plagas da Nova Inglaterra, ainda não cessou de medrar ali numa flora cada vez mais exuberante de instituições, homens, ideas, e saturados desse amor da justiça, que converte os Roots, os Bacons, os Scotts em apóstolos e missionarios do evangelho da humanidade, mandando-os ensinar, dispersos, ao mundo, o verbo da paz.

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[Traducción del Portugués]

Señores:

No es la de presentaros a un ilustre huésped la misión que me cabe ahora. Al Sr. Bacon bastarán estos cuatro días de permanencia entre nosotros para que todos ya le consideremos con algo de la impresión de una antigua amistad. En este digno sucesor del Sr. Root se reflejaba desde el principio, a nuestros ojos, la imagen, querida para los brasileños, de su maestro y antecesor en la Secretaría de Estado bajo la administración del eminente americano, cuya política

se hizo sentir en beneficio de este continente y del otro. Cuantos se le acercaron, tuvieron en seguida la sensación del reconocimiento de un mérito alimentado por su propia luz, una luz saludable, comunicativa e insinuante, que se difunde suave y tranquilamente en intimidad, persuasión y simpatía entre los que lo tratan.

Desde la primera vez que lo oímos, antes de ayer, en la Embajada Americana, donde fuimos invitados por el Sr. Morgan, fino diplomático cuyo encanto es irresistible, nos sorprendió el recién llegado con un discurso, cuyo exordio, pronunciado en nuestro idioma, le salió de los labios correcto y fluente, apenas con unas ligeras trazas de acento extranjero, como si, en su boca, la palabra estuviese hace tiempo familiarizada con nuestra lengua. Con este primor de gentileza nos demostraba él sin esfuerzo, por inspiración de su sinceridad, los milagros de que es capaz la cortesía y la benevolencia en la mente de un hijo de esa raza de los Estados Unidos que en su tipo reúne las virtudes, aptitudes y talento de todas las otras.

No podían, ya se ve, haber acertado mejor los que lo eligieron para venir a traernos de parte de Mr. Root, de Mr. Brown Scott, y de todos los amigos de la paz en la América del Norte, ese mensaje que nuestro corazón y nuestra cultura reciben con alborozo. Por uno y otro se levanta en este momento mi voz, aunque sea la menos autorizada para responderle en este auditorio. Las circunstancias me confieren este privilegio, pues me incumbe, como Presidente de la Academia Brasileña y miembro del Instituto de Abogados, la tarea de corresponder, en nombre de los que en esta tierra leen y piensan, escriben y hablan, al llamamiento de esta visita.

En la conferencia que váis a escuchar, nos va a definir nuestro generoso amigo las primicias de uno de los asuntos que más interés despiertan entre nosotros, ocupándose en parte de los trabajos de la Tercera Conferencia de la Paz. La asamblea de escogidos aquí reunida en este centro de educación pública oirá indudablemente con gran interés los resultados de los estudios y de la experiencia del orador en cuanto a los actos preparatorios de un acontecimiento, cuya realización nos enorgullecemos en considerar como uno de los más notables hechos de nuestro tiempo.

Nunca el sentimiento brasileño se apasionó tanto por un caso internacional de carácter pacífico como por este congreso que hace seis años reunió en La Haya, en la antigua Sala de los Caballeros, las delegaciones de todos los pueblos cultos de la tierra, deseosas de reducir el dominio de la guerra en la superficie del globo. No es que nosotros nos envanezcamos de nuestra modesta parte en el espectáculo de las luchas de una arena que tenía por anfiteatro el mundo entero; sino porque la importancia, hasta entonces sin igual, de la campaña librada allí por el derecho con las armas de la razón, despertando en nuestra conciencia fibras no habitadas a vibrar, reveló, bajo esa influencia nueva, una unidad, de que todavía no se tenía idea, entre los instintos morales de nuestra nacionalidad, así como también de toda la parte sana de la América Latina, y

el ideal que congregaba en los lares de la vieja Holanda como en el corazón de la justicia a la sombra de sus tradiciones de independencia y libertad, el segundo concilio ecuménico de la paz.

Permitidme usar este nombre religioso que me surge a los labios, sin pretensión de atavíos, como la expresión natural de la reverencia que nos inspira el asunto, casi sagrado y divino, de las aspiraciones que tuvieron la fuerza de reunir en un congreso, de todas las regiones del planeta, a los más distantes y dispersos miembros de la familia humana. No era una iglesia, con títulos más o menos justos de universalismo, que allí celebraba los estados generales de su catolicidad, sino más bien el consorcio de todas las iglesias, de todas las confesiones, y de todos los credos, en un culto común de esa forma suprema de caridad que se traduce en la reducción de los conflictos armados entre las naciones.

El espectáculo de aquellos reyes que descendieron de sus tronos para seguir el rastro de una estrella en busca de la cuna de Cristo, vino a repetirse, con proporciones de una grandeza que excede a la epopeya, en ese movimiento que unía a los jefes de los ejércitos y a los árbitros de la guerra alrededor de la idea de humanizar a los hombres por el amor de los unos a los otros, con que desde el Calvario el cielo nos sonreía un futuro, que hace veinte siglos esperaba en las distancias incalculables del tiempo. El emblema cristiano que introdujo su apostolado en los campos de batalla como insignia de la cruz roja, abriendo, entre los fratricidios de la guerra, una zona de fraternidad, comenzó a dominar un horizonte en que hasta entonces sólo habían pensado los soñadores, el día en que todas las divisiones de creencias y sectas cesarán para dejar unidas todas las razas en una comunión de trabajo universal para la fraternización de los pueblos.

Cuando ese pensamiento tomó forma por primera vez en la Conferencia de 1899, cuya magnificencia la de 1907 vino a duplicar, la política brasileña no se dió cuenta de un hecho de tal importancia. Aunque nuestro gobierno (creo no engañarme) fué el único de Sur-América incluído en las invitaciones, de que la cancillería de San Petersburgo tuvo la disposición, el Brasil no acudió a ese llamamiento que nos abría la oportunidad de una precedencia tan lisonjera. Mr. Andrew White alude, en su autobiografía, a la sorpresa causada en La Haya por la indiferencia de esa actitud nuestra, imputándose a la negligencia del nuevo régimen esa falta, que allí se creía no hubiera sido cometida por el gobierno imperial.

No podíamos reincidir en el descuido en el 1907, porque, extendiéndose la convocatoria a todos los gobiernos constituídos, no nos hubiera sido lícito hacer con nuestra ausencia una excepción especial en el concurso de los demás. Además, en aquel tiempo, nuestras relaciones exteriores estaban dirigidas por un espíritu vigilante sobre los intereses de nuestra reputación en el extranjero y el cual tenía un gran conocimiento de las importantes cuestiones internacionales. Mas lo que, en esa época de nuestra historia, aminora la falta cometida ocho

años antes, es el fervor con que la opinión pública entre nosotros, se despertó a los ecos de los debates de La Haya, con que se penetró del alcance de los mismos, con que animó a sus representantes en la misión tan llena de accidentes, tropiezos y recelos, que les fué encomendada.

Ninguna nación siguió con más asiduidad, con más emoción, ni con más entusiasmo, los incidentes de la conferencia, en cuyas sesiones fraternizaban todas las civilizaciones del oriente y del occidente. Ninguna se mostró más sensible a la importancia de las controversias que allí se agitaban. Ninguna simpatizó más intensamente con el trabajo que allí se desenvolvía. Ninguna sintió de un modo más vivo su solidaridad con la causa que en aquella gran asamblea se sometía a la prueba de una lucha entre las tradiciones más divergentes, los temperamentos más contrarios, y los intereses más opuestos.

No es por vanidad que recuerdo las conmociones de aquellos días, cuando la llama de una nueva vida nos enardecía la sangre en las venas, sino al contrario para acentuar la mágica de esa corriente que, atravesando el Atlántico, vino, entre los pueblos de menos actividad y de menos energía cívica, a vivificar el ambiente y a animar las multitudes aletargadas. Los escépticos suponen esas influencias morales condenadas a las abstracciones de la idealidad, olvidándose de que el fluido más poderoso en el orden físico del globo parece habitar en las nubes, mas cuando baja de esas alturas, cortando la atmósfera, no hay obstáculo que le resista y sus descargas penetran, con llamas fulgurantes, hasta las entrañas de la tierra.

Ese hábito de calcular los frutos de la verdad y de la justicia por los resultados que se puedan contar, pesar y medir, suscitó, entre los comentadores ordinarios de la Conferencia de 1907, un coro de menosprecios, irrisiones y epigramas contra la obra, ingratamente juzgada. ¿Por qué? Porque la Segunda Conferencia no hizo nada por el desarme. Porque sobre gran número de sus *desideranda* tuvo que limitarse a confesiones de impotencia enunciadas en la forma de votos, indicaciones y consejos.

Mas, por lo menos en parte, la Conferencia de 1907 realizó los deseos expresados por su predecesora. El proyecto de organización de la justicia arbitral no se convirtió en hecho; debido a que los Estados más débiles no lograron entenderse con las grandes potencias en cuanto al método de nombramiento de los miembros de esa magistratura. ¿Será tal acuerdo imposible en el porvenir? No lo creo. El tiempo no conoce dificultad cuyas moléculas no desgaste, cuyos nudos no desate, y cuyos enigmas no resuelva. Es una gran verdad la que animaba la pluma de mi noble amigo, el Sr. Brown Scott, cuando, en su precioso libro sobre las Conferencias de 1899 y 1907, escribía: "La independencia del Estado es el principio fundamental del Derecho internacional: pero la solidaridad de intereses se ha hecho sentir de manera tal que las naciones han cedido, y en el porvenir tendrán que ceder, algo de su libertad e independencia absoluta, del mismo modo que el ciudadano cede su libertad absoluta en beneficio de la sociedad de que forma parte".

Sin embargo, una vez que se venza esta dificultad y se llegue a una fórmula cuya transacción concilie los derechos de los unos con las pretensiones de los otros, todo el terreno está allanado; porque, salvo lo tocante a ese requisito, la Conferencia dejó constituida y lista para funcionar la institución concebida para jugar en la sociedad universal de las naciones un papel análogo al del único Supremo Tribunal Federal en la unión nacional de los Estados.

Pero la Segunda Conferencia no llegó solamente a ese resultado. Se frustraron sus esfuerzos por llevar a cabo un tratado universal de arbitraje. Sin embargo, todas las naciones firmaron allí el más solemne de los actos, declarándose unánimes en reconocer el *principio de arbitraje como obligación*, en aceptar que ciertas diferencias, y especialmente las relativas a la interpretación y aplicación de las convenciones internacionales, son susceptibles a la regla de arbitraje obligatorio sin restricción alguna. Ahora no hay nadie que no esté convencido de que en la Conferencia de 1899 hubiera sido imposible obtener de las potencias reunidas en La Haya el asentimiento a la fórmula de esas dos declaraciones, en las cuales las soberanías renuncian en beneficio de la justicia un terreno inmenso.

Ocho años bastaron, por lo tanto, para avanzar esa distancia incalculable en el camino de la conciliación de los Estados por el derecho. Sólo la forma diplomática en que se envolvió esa conquista, es lo que no dejó sentir la revolución que ésta significaba en las leyes del Derecho de gentes y en el modo de pensar de las más poderosas nacionalidades.

Los críticos que al cerrarse el grandioso congreso, se divirtieron en emplear la causticidad de su desdén contra la insignificancia de los actos del mismo, tuvieron el capricho de calcular cuanto la Segunda Conferencia costó a los diferentes gobiernos y a la prensa, en dinero de contado; y el cálculo, más o menos arbitrario, que hicieron, estimó el gasto total en cuatro mil quinientos a nueve mil contos, lo que, en la opinión de esos jueces, para tan poco provecho, estaba lejos de valer la pena. Mas un diplomático americano de notable reputación, que yo conocí en La Haya prestando relevantes servicios en la legación china de que era miembro, Mr. John Foster, en sus *Memorias*, dadas a luz hace tres años, echó abajo esa futilidad, contestando que, aun admitiendo como más o menos exacta esa valoración, la cantidad era apenas un tercio de lo que importa un moderno acorazado.

Entretanto cualquiera potencia, de las más limitadas en su hacienda, se entrega actualmente, sin titubeo, al lujo de triplicar o sextuplicar ese desembolso, para tener como medida preventiva, aunque no esté corriendo riesgos probables de guerra, una o dos de esas máquinas, cuyo poder se halla hoy tan amenazado por la multiplicación de los enemigos submarinos y aéreos, que la ciencia crea para el exterminio de escuadras y ejércitos en masa.

Véase ahora lo que realmente nos dejó en resultados prácticos y beneficios evidentes la última colaboración de las naciones en La Haya: la convención de 18 de octubre sobre el arreglo pacífico de los conflictos internacionales; el nuevo reglamento establecido para las comisiones de investigación; la institución de

un tribunal internacional de presas; la adopción de nuevas leyes sobre las costumbres de la guerra marítima y terrestre; la protección del comercio neutral contra la guerra; el establecimiento de una corte permanente de arbitraje. Todo eso en apenas cuatro meses de trabajos, cuya complicación y multiplicidad abarcaban todo el círculo de las cuestiones internacionales.

¿Sería acaso razonable exigir que fuese más considerable su actividad, que descubriera ella el medio de obligar a las potencias a cesar en la competencia de aumentar sus aprestos militares, dejando definitivamente sustituida la guerra por el arbitraje? Nadie que hable de buena fé lo dirá. Al juzgar el valor de un remedio humano, tenemos que considerar, no sólo los beneficios visibles que opera, sino los males posibles que evita. La Primera Conferencia de la Paz no impidió que la propia Rusia cuya iniciativa la convocó, se viese arrastrada, en 1904 y 1905, a una desastrosa lucha con el Japón. La Segunda, no evitó la guerra de Italia con Turquía, ni la de Turquía con Grecia y los Estados balkanes. Mas al lado de ese pasivo, cuyo descuento siempre es de esperarse en todos los progresos de la humanidad, debemos inscribir, para ser justos, el crédito amplio que le corresponde en dificultades libradas de las emergencias de la guerra por esas relaciones de solidaridad moral y material, para cuyo desarrollo las dos asambleas de 1899 y 1907 contribuyeron más que ninguna otra influencia registrada hasta hoy en la historia de las naciones.

Sobre esto dijo el presidente de la Segunda Conferencia, al terminarse los trabajos, "esta Conferencia realizó el mayor progreso que hasta hoy ha visto el género humano". El mismo testimonio daba poco después, con una autoridad en que raros le rivalizan, el Sr. Elihu Root, al escribir: "La obra de la Segunda Conferencia de La Haya representa el mayor avance que jamás se ha hecho de una sola vez, para la reglamentación razonable y pacífica de la conducta internacional, a no ser que sea el avance obtenido en la Conferencia de La Haya de 1899. Los resultados alcanzados en las dos Conferencias justifican la creencia de que el mundo ha entrado en un proceso ordenado, por medio del cual, paso a paso, en sucesivas conferencias, de las que cada una utilice el trabajo de su predecesora como punto de partida, pueda haber un continuo progreso hacia lograr que la práctica de las naciones civilizadas se conforme con sus manifestaciones pacíficas".

No se comprende cómo podía haber aún en las imaginaciones más exaltadas la ilusión de que la Segunda Conferencia de la Paz debía terminar sus deliberaciones promulgando el desarme general y la extinción de la guerra. Fué más o menos según ese criterio que hicieron sus juicios los menospreciadores del valor de aquel congreso de soberanías, olvidando cuán diferente es la opinión pública cuando se trata de la utilidad de las asambleas legislativas. En todos los países, año tras año, funcionan grandes cuerpos deliberantes, a los cuales una regla política que hoy es universal confía el deber de satisfacer, por medio de resoluciones imperativas las necesidades públicas y de remediar los males generales. No obstante, aunque esas autoridades colectivas tengan el ejercicio de sus atri-

buciones facilitado por el principio bien sentado de terminar las cuestiones mediante el voto de las mayorías, anualmente se renueva la tarea de las legislaturas, sin que jamás se den por curados los males sociales o satisfechas las exigencias del pueblo; y, sin embargo, nadie pone en duda la utilidad de la acción legislativa o la juzga innecesaria en el gobierno de los Estados.

Con las asambleas constituyentes sucede lo mismo que con los parlamentos. Todavía nadie ha descubierto un sistema que resuelva todos los problemas del orden y de la libertad en cada nación. Sólo a intervalos de generaciones y generaciones, o de siglos y siglos, se llevan a cabo las grandes transformaciones en la ley fundamental de los Estados. Según el libro de Ames, publicado en 1897, hasta aquel año el número de enmiendas propuestas a la constitución de los Estados Unidos ya se elevaba a mil setecientas treinta y seis; y, sin embargo, hasta hoy sólo quince enmiendas se han hecho en dicha constitución. En el Brasil fueron necesarios noventa y siete años para que se viese triunfar, en 1889, le república, por la cual ya en 1792 conspiraban y perdían la vida los desafectos de Minas.

De modo que, aun con referencia a la vida interior de los Estados, la acción del legislador no se efectúa sino probando, posponiendo, conciliando, dudosa, parcial y lentísimamente. ¿Cómo, pues, impacientarnos de que, en sólo ocho años, de 1899 a 1907, un consejo de naciones independientes y soberanas, inmutables, por lo tanto, a la regla de las mayorías, no haya logrado llegar a un acuerdo definitivo sobre la manera de acabar, en la resolución de sus conflictos, con la ley de la guerra, la cual, desde que los hombres son hombres, es la ley de las leyes en este mundo?

En el valiosísimo libro del Sr. James Brown Scott, a que ya nos referimos, hay tres o cuatro páginas admirables, donde se demuestra con la claridad de la evidencia, la semejanza entre el proceso orgánico de expansión observado en el derecho común de Inglaterra y el que se verifica en el derecho común de las naciones. Ahora que, por primera vez, se trata de codificar este derecho, las tentativas de legislación hallarán en la conciencia de los pueblos, grandes principios jurídicos, elaborados durante un largo desarrollo, con los cuales se puede contar para que sirvan de base a la futura justicia internacional. Pero aunque no se ha de llegar a ese fin inmediatamente, y todavía tengamos que caminar hacia él mucha distancia antes de que la civilización llegue a divorciarse de la guerra, a pesar de todo, lo que ya se ha conseguido para la limitación de la guerra, en los últimos catorce años, mediante las Conferencias de La Haya y los progresos del arbitraje, no deja de ser un prodigio de rapidez y de éxito en los medios empleados y en las ventajas obtenidas.

Si, como dije, con su palabra atinada y su claro juicio el Sr. Root, "el resultado más valioso de la Conferencia de 1899 consiste en haber hecho posible la obra de la Conferencia de 1907", del mismo modo podemos sostener hoy que uno de los beneficios más estimables de la Conferencia de 1907 consiste en haber creado para el mundo contemporáneo la necesidad, a la cual es imposible sus-



traerse, de utilizar el incentivo de los sentimientos de solidaridad internacional creados por esos dos actos, para honrar, con un nuevo impulso, el testamento de la última de esas dos asambleas, convocando una tercera conferencia cuya reunión ella recomendó. Y como la celebración de la tercera conferencia requiere, según los acuerdos de la segunda, que los trabajos preparatorios empiezen con una anticipación de dos años, parece llegada la ocasión, para que surja, despertando a los descreídos u olvidados, la iniciativa de los competentes, abriendo la delicada fase de los estudios que deben preceder al gran acontecimiento.

Hasta donde me es dado juzgar, ese llamamiento no encontraría entre nosotros sino aplausos, y lo mismo sucedería, supongo yo, en los otros países de toda esa parte de nuestro continente a que el presidente Nelidow, recapitulando los trabajos de la Conferencia en su discurso de clausura, rindió este homenaje: "La asociación de los representantes de la América Latina a nuestros trabajos agregó, indudablemente, elementos nuevos y de gran valía al tesoro de la ciencia política internacional, elementos cuyo valor hasta ahora, no conocíamos sino muy imperfectamente".

Al Gobierno de los Estados Unidos se debe, no hay duda alguna, sobre todos los demás, la convocatoria de la Segunda Conferencia de la Paz. El Presidente Roosevelt, con la claridad de su espíritu y su genio de acción, apoyado sucesivamente en la intuición liberal y en la capacidad política de sus dos grandes secretarios de Estado, del Sr. John Hay, en 1904, y especialmente del Sr. Elihu Root, en 1905, fué el primer jefe de estado que acogió bajo su patrocinio esa idea, de acuerdo con la cual prestó luego sus buenos oficios que tuvieron por resultado la terminación de la guerra ruso-japonesa, por medio del tratado de Portsmouth. No fué sino por un rasgo de alta caballerosidad, según aparece claramente del memorandum dirigido en 12 de octubre de 1905 por el Sr. Elihu Root al embajador ruso, que el mediador laureado en ese triunfo humanitario cedió esa iniciativa gloriosa al jefe del imperio vencido en la lucha cuyos desastres acababan de terminarse.

Hoy se halla al frente de la administración de los Estados Unidos una de las entidades más altamente representativas de la cultura americana, de su inteligencia, de su democracia, de su bien entendido liberalismo, de su solidaridad con los intereses de todo el mundo civilizado. La opinión brasileña ya está familiarizada con el nombre del Sr. Woodrow Wilson, en quien desde hace tiempo nuestros juristas y hombres de letras han admirado al historiador, al constitucionalista, al escritor político de raras dotes, cuyos libros tanto nos han ilustrado. No necesitamos otras garantías para creer que en sus manos generosas y hábiles reflorece el precedente de esa tradición que tanto honra al coloso de la América del Norte.

No sé, señores, si estoy internándome en un terreno vedado. Mas como mis palabras están tan destituídas de cualquier carácter o expresión oficial como las de nuestro eminente huesped, el Sr. Robert Bacon, me atrevo a decir lo que siento, con la franqueza que me es habitual, como simple ciudadano brasileño,

miembro de la especie humana y amigo de la filosofía, a la cual la vida política aún no me ha hecho perder el amor.

No es por mi libre albedrío que me he dejado llevar tan lejos por esos parajes seductores. Mi intención, cuando acepté el encargo de hablaros aquí hoy, era apenas rendir al ilustre emisario de la civilización americana el homenaje de nuestra cordialidad y amistad, presentándole, con algunas palabras, la oportunidad de ocupar él sólo esta sesión. Mas un mandato, al cual no pude sustraerme, me obligó a desistir de ese propósito de abstención y de brevedad. Las reminiscencias de la Haya, sin embargo, me desviaron del rumbo que al principio pensaba dar a mi discurso, distribuyéndolo entre los diferentes aspectos de la embajada moral, que viene a traernos el Sr. Robert Bacon. Desde anoche hasta esta mañana tuve que dejar correr la pluma libremente.

Así es que no me sobró tiempo para deciros lo que debía sobre esa gran institución, de tan generosa universalidad, cuyo programa, organización y trabajos nos describió de un modo tan vivo, en su discurso del otro día, el ilustre representante de la Fundación Carnegie.

Gracias a esa creación del eximio filántropo, que dedicó su gran fortuna al bien de sus semejantes, ya no habrá, entre las Conferencias de la Paz, el vacío de esas intermitencias desocupadas, en que se correría el riesgo de apagar la llama del fuego sagrado. Ahora el estímulo y la dirección irradian de un foco permanente, llenando los intervalos entre los sucesivos congresos de la paz, con el trabajo continuo de los operarios de la justicia, organizados en una asociación de inteligencias y de voluntades, cuyos brazos dentro de poco enlazarán al mundo civilizado.

Enviado al Brasil por la Fundación Carnegie, "de la cual el Sr. Elihu Root es cabeza y alma", el Sr. Robert Bacon puede estar seguro de que "el mensaje de buena voluntad", cuyo cometido en buena hora le condujo al seno de la familia brasileña, nos cayó en el corazón como rocío en las simientes de las ideas, que esperan la humedad y el calor del ambiente para germinar.

No sé hasta donde me será lícito hablar sin presunción como el órgano de mis coterráneos, de los que tenemos una sola patria y respiramos desde la cuna los mismos aires. Mas si aún no he perdido, sin saberlo, el contacto con la opinión de mis conciudadanos, os puedo asegurar que estamos con vos en la comunión de la paz internacional, y nos sentiremos venturosos teniendo ocasión de colaborar con vos, en la fila de los últimos trabajadores, por la causa a que os habéis consagrado.

Comenzasteis el otro día vuestro discurso, lleno de tantas bellezas espontáneas, hablándonos, con una elocuencia que trascendía a poesía, de las maravillas del cuadro con que al llegar aquí os hechizó la visión de esta ciudad, velando estrellada en una noche de azul, y abriendo su sonrisa por la madrugada a la flor de las aguas verdes. Creéis que de ella se desprenderá, para los que la habitan entre los jardines y las colinas, entre los cielos y las aguas, una inspiración continua, una emanación incesante de valor y de energía.

Ojalá que, en este Edén, podamos, por la simpatía y armonía entre el hombre y la naturaleza, evocar, sobre la ciudad terrestre, que se extienda en esta, la imagen de la ciudad ideal, la ciudad del bien, la verdadera ciudad de Diós, adonde lleguen los soplos del Norte, cargados del polen de esa libertad que, sembrada hace casi trescientos años por los desterrados del *Mayflower* en las playas de Nueva Inglaterra, aun no ha cesado de desarrollarse allí como una flor cada vez más exhuberante, de instituciones, hombres, ideas, saturados de ese amor a la justicia, que convierte a los Root, los Bacon, los Scott, en apóstoles y misioneros del evangelio de la humanidad, mandándoles a enseñar al mundo, dispersos, la palabra de la paz.

### Respuesta de Mr. Bacon

*Monseigneur, Excellences, Mesdames, Messieurs:*

Je ne puis vous dire combien je suis sensible au grand honneur qui m'est fait aujourd'hui par l'Académie Brésilienne et l'Institut de l'Ordre des Avocats. Je vous prie de croire que je suis profondément touché de cette nouvelle marque de courtoisie que vous m'avez montrée en me conviant à assister à cette réunion sous les auspices de vos si célèbres sommités intellectuelles.

Je vous remercie du fond du coeur de vos trop aimables paroles adressées à mon humble personne et si peu méritées. Je voudrais bien pouvoir vous exprimer, Excellence, ma gratitude pour les sentiments d'amitié que vous venez d'exprimer au sujet de mon pays, et de mes amis.

J'ai tâché avant hier de vous montrer en quelques paroles un peu de l'esprit, de l'inspiration, de l'espoir avec lesquels Monsieur Root m'a donné la permission de venir vous parler en son nom des oeuvres, des convictions, des espérances, qui pour lui sont, je vous assure, les plus chères, les plus intimes. Une certaine hésitation, une crainte même, de ne pas être digne de sa confiance a donné lieu à une grande joie de reconnaissance pour la si douce sympathie, la gracieuse bienveillance de votre accueil et de la bonté de votre réponse qui m'ont touché si profondément, et qui me resteront toujours comme les plus précieux souvenirs. Je n'oublierai jamais votre charmante hospitalité.

Je regrette que je me trouve aujourd'hui obligé de me borner aux détails secs et peu intéressants à ce moment où, sous le charme, sous l'inspiration de vos si nobles paroles je voudrais parler et encore parler de nos idéals, de nos espérances. Car je suis fier de partager votre optimisme, cher maître, et j'ai l'intime conviction que, malgré des nuages accumulés par la défiance et le scepticisme, nous sommes à la veille d'un grand mouvement de progrès dans l'évolution du libéralisme du monde, et que de loin nous pouvons voir poindre l'aurore d'un jour plus pur.

Les principes, la philosophie de la vie du siècle passé ne nous suffiront plus. Il nous faudra de nouvelles lois de l'économie politique, de nouveaux principes du droit international.

Les Messieurs à qui j'ai eu l'honneur de m'adresser, il y a deux jours, m'ont fait l'honneur de me demander de leur donner de plus amples détails sur certains projets de la Fondation.

Pour remplir les objets de la Fondation, son travail a été réparti en trois divisions :

La Division des Rapports et d'Éducation.

La Division d'Économie politique et d'Histoire.

La Division de Droit International.

En ce qui concerne la Division des Rapports et d'Éducation, il était évident que les opérations de cette Division s'appliqueraient nécessairement aux pays étrangers et qu'il était essentiel pour la réussite de la tâche que celle-ci fût faite dans les pays étrangers par des agents locaux plutôt que par des sections de la Fondation. Comme il fut impossible de fixer longtemps à l'avance ce qui devait être entrepris et comment les méthodes devraient être appliquées, sans le conseil des chefs compétents et expérimentés de l'idée dans les divers pays, Monsieur le Docteur Butler, le Directeur de la Division, a constitué un Comité Consultatif d'hommes d'état et de publicistes européens et un corps de correspondants sur l'avis et le concours sympathique desquels il peut toujours se reposer.

De ce grand Comité Consultatif, composé d'environ quarante membres, un petit comité exécutif a été formé (tous les deux étant sous la présidence du Baron d'Estournelles de Constant) et un Bureau européen a été établi à Paris.

Nous nous sommes demandés s'il serait agréable aux coryphées de la pensée dans l'Amérique latine de créer une organisation quelque peu similaire au Comité Consultatif Général, qui est déjà formé en Europe, et de coopérer à la réalisation et à l'exécution par leurs partisans dans le pays des projets et entreprises qu'ils estiment opportuns ou utiles dans leurs divers pays.

La Division a adopté la règle de n'entreprendre aucune opération dans un pays européen quelconque sans consulter le Comité Consultatif et sans l'approbation des membres du Comité représentant le pays respectif.

Quelques mots suffiront pour les objets que la Division s'est proposé. En première ligne, en vue d'éduquer l'opinion publique, la Division a pris des mesures pour augmenter le texte et pour développer la circulation d'une liste choisie de périodiques européens, dévoués aux idées de paix internationale, pour entretenir des sentiments amicaux entre les peuples et développer leurs relations et leur entente entre eux.

La Division des Rapports et d'Éducation a inauguré des visites et un échange éducateur avec le Japon et le Directeur de la Division espère faire des arrangements pour arriver à un échange éducateur entre les États-Unis et l'Amérique latine; et cet échange comprendra aussi bien des professeurs que des étudiants. J'ai l'honneur d'inaugurer la première des séries de visites internationales avec nos Républiques Soeurs et j'espère être à même d'obtenir des conseils et des renseignements des maîtres de la pensée dans l'Amérique du Sud qui nous per-

mettront de commencer dans un prochain avenir l'échange réciproque de professeurs et d'étudiants avec l'Amérique latine.

Je suis chargé de suggérer que l'échange commence par l'envoi annuel de deux éminents savants ou publicistes de l'Amérique du Sud aux États-Unis; et de deux Américains du Nord, à l'Amérique du Sud. Chacun de ces messieurs consacrerait son temps à deux institutions établies dans le continent qu'il visiterait. Je désirerais beaucoup connaître votre opinion au sujet du choix des professeurs et aussi du choix des institutions auxquelles ils devront s'adresser.

La Fondation se chargera des dépenses causées par l'échange de visites des professeurs.

Il est inutile d'insister sur la sagesse et l'opportunité de ces projets, car c'est une vérité que bien des malentendus qui existent entre les nations sont le résultat de l'ignorance des conditions locales, des traditions et des idées. Les relations personnelles prouvent qu'au fond tous les hommes sont absolument les mêmes et que le contact personnel, la discussion et l'échange d'idées posent les bases indispensables pour l'amitié et la bonne entente.

Une des activités auxquelles la Division des Rapports et d'Éducation attache une grande importance est celle qui se réfère à l'établissement d'associations pour la Conciliation dans le monde entier.

L'expérience a démontré que bien du monde véritablement intéressé à favoriser une bonne entente avec les pays étrangers hésitent néanmoins pour une foule de raisons, de s'allier à des sociétés pour la paix. Les Associations pour la Conciliation Internationale font appel à cette catégorie du public et c'est la tâche de la Fondation Carnegie pour la Paix Internationale de soutenir ces associations par l'intermédiaire de la Division des Rapports et d'Éducation, partout où elles existent et de contribuer, autant que cela paraîtrait opportun, à leur création là où elles n'existeraient pas.

Il y a quelques années l'Association-Mère a été constituée à Paris par Monsieur le Baron d'Estournelles de Constant. La section aux États-Unis, dont M. le Dr. Butler est le Président, fut créée en 1906. Les Associations allemandes et anglaises ont été organisées en 1912 et je suis chargé par mes instructions à faire appel au concours des parties intéressées dans les pays que j'ai l'honneur de visiter d'organiser des Sociétés filiales de La Conciliation Internationale en rapport avec la Société-Mère à Paris. Ces Associations, bien que locales par leur origine, ont néanmoins une mission internationale et cherchent à créer par leurs réunions et les brochures utiles qu'elles publient régulièrement, des sentiments amicaux envers les peuples des pays étrangers.

Permettez-moi d'exposer les buts et objets des Sociétés pour la Conciliation Internationale dans la langue du fondateur de la Société-Mère à Paris. Dans une note que Monsieur le Baron d'Estournelles de Constant a eu l'amabilité de préparer sur ce sujet, il dit :

“La Conciliation n'est pas une organisation sentimentale, humanitaire; elle est un progrès pratique, patriotique, poursuivi dans l'intérêt national de

chaque pays, particulièrement des pays jeunes qui ont besoin de consacrer toutes leurs forces et leurs ressources à leur développement. Elle a pour but d'assurer au monde des affaires, du travail, à l'agriculteur, à l'industriel, au commerçant, comme à l'artiste et au savant, la sécurité du lendemain, la possibilité de concevoir et d'entreprendre des œuvres d'avenir.

La Conciliation est le complément moderne indispensable del l'effort économique de tout pays civilisé. Développer la prospérité nationale à la faveur des bonnes relations internationales, voilà tout notre effort résumé par notre motto: *pro patria per orbis concordiam*.

Les guerres de conquête ne paient plus: elles n'engendrent que des haines, des repréailles, les charges d'une paix armée chaque jour plus écrasantes; et ces charges sont devenues un des arguments les plus puissants, dans les masses, en faveur du socialisme et de la révolution.

Seules les guerres d'indépendance sont respectables, mais nul ne menace l'indépendance des États américains. Ils seront plus forts en s'entendant tous qu'en s'armant les uns contre les autres.

L'arbitrage, au contraire, depuis les expériences de l'Alabama, de Hull, de Casablanca, des pêcheries de Behring et de Terre Neuve, etc., etc., a fait ses preuves.

Organisez l'arbitrage plutôt que la guerre, mais préférez toujours la conciliation à l'arbitrage.

Telle est notre conception, notre règle de vie.

Je la résume ainsi:

La guerre plutôt que la servitude.

L'arbitrage plutôt que la guerre.

La conciliation plutôt que l'arbitrage.

L'arbitrage répare, la conciliation prévient. La conciliation substitue l'esprit de coopération féconde à la routine stérile des antagonismes.

Comment organiser la conciliation?

Peu à peu. Maternellement; par le concours du petit nombre des hommes qui connaissent le monde et la vie, anciens diplomates, anciens Ministres, anciens industriels, savants, artistes, philanthropes, hommes de bonne volonté éprouvés.

Une élite de ces hommes exceptionnels existe plus ou moins nombreuse dans chaque pays: rechercher cette élite, lui expliquer le bienfait, la nécessité de la Conciliation et, cela fait, mettre en relations personnelles cette élite avec les élites des autres pays. Toutes ces élites rapprochées se chargeront de faire l'éducation des masses.

Nos moyens d'action sont:

1. Des visites, des relations et des correspondances personnelles d'homme à homme, de peuple à peuple, de parlement à parlement, de corporation à corporation.

Ces moyens ont fait leurs preuves; nous avons contribué à rapprocher ainsi des adversaires soi-disant irréconciliables.

2. Des publications, des conférences. Nous publions des Bulletins, nous recommandons ou nous suggérons des ouvrages; nous voyageons et nous échangeons nos expériences, nos idées; nous les répandons sans compter, en dépit des obstacles et des circonstances adverses. Nous faisons tout pour dissiper les préventions, les préjugés, l'ignorance, et pour y substituer peu à peu, (avec les mêmes avantages que dans le commerce) la confiance, le crédit et finalement l'amitié internationale."

Pour faire ressortir par une seule phrase la différence qu'il y a entre des Sociétés Pacifistes et des Sociétés de Conciliation, on peut dire que les sociétés pacifistes sont composées de "pacifistes," quelle que soit la signification qu'on puisse attacher à ce mot, tandis que les Sociétés de Conciliation Internationale sont composées de "pacifiques," ce qui est une formule beaucoup plus large et apparemment plus acceptable.

Je serais vraiment très heureux si j'arrivais à convaincre quelques-uns de l'élite des divers pays que j'ai l'honneur de visiter, pour former des Sociétés Nationales de Conciliation Internationale, pour être affiliées à la Société-Mère. Toutefois, il est bien entendu que ce rapport est moral, non légal et chaque Société est indépendante. Et je suis heureux de vous informer que dans ces cas, comme dans d'autres, la Fondation est disposée à se charger des dépenses encourues par l'organisation de ces Sociétés et à fournir les ressources nécessaires pour s'assurer les services de Secrétaires capables, de l'énergie, du dévouement, de la persévérance et de l'intelligence desquels dépend l'utilité de ces Sociétés.

Je m'occuperai maintenant du travail de la seconde Division, la Division d'Économie Politique et d'Histoire.

La tâche de cette Division est la suivante: "Encourager des recherches et des études scientifiques et approfondies sur les causes de la guerre et sur les moyens pratiques de la prévenir et de l'éviter"—c'est à dire, l'étude non seulement des causes apparentes, qui quelquefois ne sont que des prétextes au service de chefs et d'hommes d'état ambitieux et sans scrupules, mais aussi l'étude des causes réelles, souvent cachées, et que l'on trouve dans l'antagonisme des races et dans les intérêts d'ordre économique. En outre, il faut aussi étudier les causes et les résultats économiques, non seulement en ce qui concerne les nations en guerre, mais encore en ce qui a rapport aux nations et aux peuples neutres.

Les Trustees de la Fondation le considèrent comme presque impossible de formuler eux-mêmes des plans de nature à pouvoir procéder à une enquête scientifique. Une conférence fut arrangée à Berne, en Suisse, en août, 1911, à laquelle des économistes et publicistes distingués de toute l'Europe furent invités à examiner les questions qui pourraient être dûment et pratiquement étudiées et d'élaborer un programme d'essai pour la Division.

Dix-huit économistes et publicistes assistèrent à la Conférence et leur concours et leur avis furent considérés si précieux, en effet, si indispensables pour le succès de la Division, qu'ils se sont constitués en un Comité Permanent de Recherches pour conseiller le Directeur et pour agir comme les agents de la Division en exécutant les projets proposés par la Conférence et incorporés dans le programme élaboré pour la discussion des questions concernant les causes et les effets économiques et historiques des guerres; les armements en temps de paix; les établissements militaires et navals, la théorie, la pratique et l'histoire des armements modernes et finalement l'influence unificatrice de la vie internationale.

Un grand nombre de sujets ont déjà été assignés à des spécialistes choisis dans les pays auxquels leur tâche s'applique; quelques-unes des études sont déjà terminées et dans l'espace de quelques années, la Fondation aura publié une série de brochures remarquables, s'appliquant à toutes les phases du programme élaboré, et qui seront, il y a lieu de l'espérer—pour parler le langage de Monsieur Root—“useful to mankind.”

Monsieur le Professeur Kinley, un vieux et sincère ami de l'Amérique latine et qui a représenté les États-Unis au quatrième congrès pan-américain tenu à Buenos Ayres, a été nommé membre du Comité de Recherches et il se consacrera plus spécialement aux problèmes dans lesquels l'Amérique latine est intéressée et il visitera certainement dans le courant de l'année prochaine l'Amérique latine pour conférer avec les leaders de l'opinion, en vue d'obtenir leur avis et si possible de s'assurer leur concours tant pour proposer que pour exécuter les projets qu'ils pourraient recommander.

La troisième Division de la Fondation est la Division de Droit International.

Cette Division, de même que les autres Divisions, a trouvé nécessaire de créer une organisation spéciale et de s'assurer les services d'un corps d'avocats-conseils dans les conclusions juridiques et exactes desquels les Directeurs peuvent avoir toute confiance.

L'Institut de Droit International se compose—il est à peine besoin de le dire—des plus éminents jurisconsultes de toutes les nations et la Fondation a demandé à l'Institut d'agir, soit comme corps, soit par l'intermédiaire d'un comité spécialement choisi dans ce but, comme conseiller pour la Division de Droit International. L'Institut a accepté cette charge, a choisi un comité de onze membres à sa réunion à Christiana, en 1912, lesquels ont exercé leurs fonctions pendant la présente année comme conseillers pour le Directeur et le Comité, spécialement connu comme Comité Consultatif pour la Fondation Carnegie, a élaboré un Règlement, qui a été accepté par l'Institut, au moyen duquel les rapports établis entre l'Institut d'une part, par son Comité Consultatif et la Fondation d'autre part, par l'intermédiaire de sa Division de Droit International, doivent être permanents.

Le Comité se compose de onze membres, dont le Président et le Secrétaire Général de l'Institut font partie d'office; les autres membres sont élus pour occuper cette fonction pendant un nombre d'années déterminé. Il y a lieu de mentionner que les membres de ce Comité sont des hommes d'une grande expérience et d'une haute autorité dans toutes les questions en matière de droit international: Messieurs Fusinato, d'Italie; Gram et Hagerup, de Norvège; Holland, d'Angleterre; Lammasch, d'Autriche; Lardy, de Suisse; Renault, de France; Rolin, de Belgique et Vesnitch, de Serbie. L'importance de ce comité de jurisconsultes et la valeur des consultations qu'ils peuvent rendre, sont inappréciables.

En vue d'établir une meilleure compréhension des droits et devoirs internationaux, la Division donne une aide matérielle aux journaux de Droit International, dans le but d'augmenter leur tirage et de développer leur influence parce que par ce moyen le droit international est popularisé et que le public est



éclairé par un exemple concret, comment les principes du droit international déterminent les questions de droits internationaux. De la même façon c'est l'intention de la Division, sur la recommandation du Comité Consultatif de l'Institut d'aider à la distribution d'importants ouvrages de droit international, et notamment de faire traduire dans des langues plus connues des ouvrages d'une très grande importance et utilité, mais publiés dans des langues moins lues ou moins comprises.

Pour favoriser l'acceptation générale de méthodes pacifiques pour le règlement de litiges internationaux la Division a en voie de préparation plusieurs ouvrages. Le premier est un recueil et une publication de tous les traités généraux et spéciaux d'arbitrage et en ce qui concerne notamment les traités du dix-neuvième siècle, la Fondation serait très reconnaissant aux publicistes de l'Amérique latine s'ils voulaient bien fournir des informations sur certaines questions de cette nature qu'ils connaissent le mieux et qu'ils sont peut-être les seuls à connaître, et les Trustees de la Fondation apprécieraient comme une très grande faveur de la part des Gouvernements de l'Amérique latine s'ils voulaient bien leur fournir des copies de ces traités, attendu qu'il est vraiment très difficile de se procurer à toute époque des textes absolument exacts et méritant toute confiance.

Ce recueil permettra aux publicistes de voir jusqu'à quel point des nations ont été disposées à se soumettre à l'arbitrage et les différentes formes de traités existants seront mis à leur disposition. Pour la même raison tous les exemples connus d'arbitrages internationaux devront être rassemblés et publiés sous forme de rapports juridiques et les séries seront continuées indéfiniment. C'est Monsieur le Professeur John Bassett Moore, cette haute autorité bien connue dans les questions de Droit International et d'Arbitrage, ancien Professeur à l'Université de Columbia et actuellement conseiller au Département d'Etat des États-Unis, qui s'est chargé de cette œuvre monumentale et il s'en occupe activement.

L'Institut de Droit International, qui joue maintenant le rôle de conseiller de la Division de Droit International est celui qui a été créé en Europe en 1873; mais bien que cet Institut représente la "conscience juridique universelle," plusieurs jurisconsultes ont senti le besoin d'une institution qui devrait être le représentant de la conscience juridique de l'Amérique, étudier les problèmes intéressant particulièrement le nouveau monde, et envisager au point de vue américain les questions générales du droit des gens.

Comme vous savez si bien, un Institut Américain de Droit International a été fondé en 1912 par Monsieur Alejandro Alvarez de Chili et Monsieur le Docteur James Brown Scott, le Directeur de la Division de Droit International de la Fondation. Cet Institut envisage la formation de Sociétés Nationales de Droit International dans chaque pays américain, pour être affiliées avec lui et pour travailler en harmonie avec lui, pour étudier des problèmes américains.

L'Institut Américain de Droit International sera composé de cinq publicistes de chacune des Républiques américaines choisis parmi les membres des Sociétés Nationales et tout membre de la Société Nationale, en vertu de cette qualité de membre, a le droit de se faire inscrire comme Membre Associé de l'Institut, et de participer à ses travaux en versant la modeste cotisation imposée à chaque membre de l'Institut. On espère et on estime que de cette façon la Société Internationale sera maintenue en contact serré et intime avec les Sociétés Nationales, que le Journal Américain de Droit International sera modifié de façon à devenir l'organe de l'Institut et des publicistes de l'Amérique, et que les Bulletins qu'il est question que chacune des sociétés locales émettra, tiendront l'Institut même au courant des opérations des Sociétés Nationales et que par la distribution des Bulletins entre les diverses sociétés, chacune se tiendra en contact avec les autres.

Il est superflu d'insister sur l'importance de l'Institut Américain et des Sociétés Nationales, parce que pour tous ceux qui croient que la paix internationale est seulement possible par le droit international et son application aux relations avec les nations étrangères, il est évident que des agences créées pour développer et rendre ce système de droit adéquat pour répondre aux besoins des nations et pour disséminer ses principes de telle façon qu'une opinion publique éclairée puisse se former qui insistera sur l'application de ces principes aux relations entre les nations et au règlement de leurs conflits, rendront de grands et inestimables services, parce que l'avenir de la paix internationale sera enveloppé de droit international, de son développement, de sa dissémination.

En supposant que l'Institut Américain soit entièrement établi et qu'il justifie son existence et que les Sociétés Nationales de Droit International soient créées et y affiliées, nous ne pouvons faire autrement que nous demander, si l'Institut Américain ne serait pas disposé à entrer dans les mêmes rapports consultatifs avec la Fondation et sa Division de Droit International pour toutes les affaires concernant des questions et problèmes américains, qui existent si heureusement avec l'ancien Institut.

De crainte d'avoir l'air de vous exposer dans un langage exagéré les buts et objets de l'Institut Américain de Droit International, dont Monsieur Elihu Root est le Président d'Honneur, qu'il me soit permis de vous citer un passage d'un érudit hollandais, Professeur de Droit International, qu'on peut supposer traiter cette question avec plus de détachement.

Après avoir parlé du grand exemple que l'Amérique a donné au monde en poursuivant la codification du droit international, il dit :

“Le second exemple nous est fourni par un Institut essentiellement scientifique mais à peine inférieur en valeur morale. Les rapprochements graduels entre le Nord et el Sud ont créé un nouvel instrument de progrès. Les projets d'une union pan-américaine, qui ont été longtemps lancés sans jamais aboutir, ont enfin donné un résultat sur le terrain paisible des études, grâce au talent et à la persévérance de deux hommes illustres des deux moitiés de l'hémisphère. Dans

le cours de l'année passée Monsieur James Brown Scott, le jurisconsulte renommé des États-Unis et Monsieur Alejandro Alvarez, ancien professeur et Conseiller au Ministère des Affaires Étrangères du Chili, qui en Juin 1912 avait exercé une influence des plus salutaires à Rio sur le grand projet de codification, après une rencontre personnelle à Washington, y ont fondé en Octobre 1912, l'Institut Américain de Droit International. Cet Institut a pour but : 1. De contribuer au développement du droit international ; 2. De consolider le sentiment commun d'une justice internationale ; 3. De faire accepter partout l'action pacifique dans le règlement des contestations internationales entre les États américains.

“Cette idée lumineuse naquit de la conviction qu'il vaut mieux propager les notions de droit et de justice par une infusion lente mais constante dans les têtes et dans les cœurs des peuples, que par des négociations diplomatiques, qui ne reposent pas sur un sentiment populaire général.

“Si l'on prend en considération que le mouvement pacifiste en Amérique est beaucoup plus universel qu'ailleurs, qu'il repose soit sur un fond religieux, soit sur une communauté d'intérêts et de tendances dignes d'envie, on saura apprécier cette preuve nouvelle d'un progrès vigoureux qui nous est parvenue de l'autre côte de l'Océan ; il ranime notre espoir et redouble nos efforts.”

Monsieur Root et ses collègues attachent la plus haute importance à l'établissement et au fonctionnement heureux de l'Institut Américain de Droit International et de ses sociétés affiliées dans chacun des pays de l'Amérique.

La Fondation paye actuellement une subvention au plus ancien Institut, fondé en Europe. Cette subvention est destinée à couvrir les frais de voyage des membres de l'Institut, les dépenses faites par les commissions et la publication de leurs travaux. Le nouvel Institut peut compter recevoir de la Fondation, aussitôt que les sociétés nationales seront définitivement constituées, son aide financière, et qu'il sera mis sur un pied d'égalité avec l'ancien Institut.

Le Journal Américain de Droit International, qui avec quelques légères modifications pourrait devenir l'organe de l'Institut Américain, reçoit déjà une subvention annuelle de la Fondation.

Une autre institution à laquelle la Division de Droit International s'intéresse beaucoup et qu'elle subventionnerait et maintiendrait avec grand plaisir est l'Académie de Droit International que l'on propose d'établir à la Haye.

Une proposition a été faite à la Seconde Conférence de la Paix à la Haye en vue de créer une Académie de Droit International et elle a été développée par le Président de la Conférence. Aucune résolution n'a été prise alors, mais l'idée s'est imposée elle-même aux publicistes de toutes les nationalités. Un Comité de publicistes hollandais, sous la présidence de Monsieur Asser, dont nous déplorons tous le récent décès, a pris l'initiative qu'une Académie soit créée et installée au Palais de la Paix à la Haye.

Le Tribunal d'Arbitrage appliquerait le droit, qui aura été systématiquement enseigné à l'Académie et le merveilleux Palais, qui vient d'être officiellement

inauguré au mois d'août dernier, deviendrait en effet, un Temple de la Paix, un foyer du Droit International.

La proposition de Monsieur Asser envisage pour les mois d'été un enseignement systématique de droit international et des matières afférentes par une faculté spécialement constituée et changeante, au point de vue des professeurs choisis parmi les publicistes de différents pays. Des cours seraient donnés et des conférences seraient faites sur des sujets importants et opportuns par des publicistes qui en plus d'un long entraînement théorique ont acquis une grande expérience dans la pratique du droit international. Des séminars seraient créés sous la direction de professeurs réguliers pour l'étude détaillée et approfondie de certaines questions de droit international et de rapports internationaux. Les cours seraient accessibles aux étudiants de tous les pays qui posséderaient les qualifications nécessaires et qui seraient en mesure d'y assister et de profiter de l'enseignement, attendu qu'il sera donné pendant les vacances académiques.

Il est également proposé que les Gouvernements s'intéressent à l'Académie et qu'ils soient invités à désigner par voie diplomatique des fonctionnaires appropriés des divers départements ministériels pour suivre les cours de l'Académie.

L'institution serait unique par ses sessions d'été, unique par sa petite faculté variable et unique par son corps d'étudiants accourus des divers pays étrangers, et des classes officielles. Les conférences publiées sous forme de brochures enrichiraient la littérature du droit international; le droit lui-même serait traité de divers points de vue, et par des professeurs compétents, dont un seulement serait choisi à la fois d'un pays. Le corps des étudiants serait recruté de divers pays et peu à peu ils exerceraient une influence dans leurs pays respectifs, de sorte que l'Académie aiderait éminemment à établir une meilleure compréhension des droits et des devoirs internationaux et à disséminer les principes de justice.

L'Académie, quand elle sera constituée, formera une institution distincte et indépendante sous le contrôle d'un comité ou curatorium spécialement nommé, composé en première ligne d'anciens Présidents de l'Institut de Droit International. Ainsi organisée et administrée, elle favorisera le but pour lequel la Fondation a été créée, mais elle ne sera pas une agence directe de la Fondation, ni sous son contrôle.

Il paraît superflu d'exposer plus amplement les avantages d'une telle Académie qui, saluée par le Président et les membres de la Conférence, a été approuvée par l'Association de Droit International, une corporation plus populaire que l'Institut de Droit International, par l'Institut de Droit International lui-même, par un vote écrasant, en effet, presque unanime, et qui a provoqué les plus chaleureuses approbations de la part des hommes d'État, des publicistes et des professeurs de droit international dans tous les pays du monde.

Monsieur Root m'a chargé de vous soumettre le projet de cette Académie et de demander le concours de toutes les Républiques de l'Amérique latine, en vue

de désigner un ou plusieurs de leurs compatriotes pour assister aux conférences et aux cours d'instruction qui seront donnés à l'Académie quand elle sera établie.

Tout le monde se rappelle, Monsieur le Président, la part si remarquable que vous avez prise à la Seconde Conférence de la Haye, dont les superbes résultats intéressent au plus haut degré la Division de Droit International, ainsi que tous les amis de la civilisation et de l'humanité. Votre splendide travail a passé dans l'histoire ; on ne l'oubliera jamais. Votre éloquence et vos triomphes à la Haye, Monsieur, ont attiré l'attention du monde civilisé. Ce ne sont pas seulement les deux Amériques, nos vingt et une républiques sœurs, c'est le monde entier qui doit profiter, pour toujours, de vos nobles efforts.

La Division de Droit International, pour que les travaux de la troisième Conférence puissent être prochainement préparés, désire appeler l'attention sur la formation des Comités Nationaux.

C'est un fait généralement connu que la Deuxième Conférence de la Paix à la Haye en 1907 a proposé la réunion de la troisième Conférence à une période approximativement égale à celle qui s'est écoulée entre la première et la seconde Conférence, c'est-à-dire, après huit ans, de sorte que si la proposition est mise à exécution, nous pouvons nous attendre à ce que la troisième Conférence se tienne approximativement en 1915.

Il a été en outre stipulé dans la proposition susmentionnée qu'environ deux ans avant la réunion probable de la Conférence, un Comité préparatoire international serait constitué par un accord commun entre les Puissances, pour recueillir les propositions devant être soumises à la Conférence, et pour déterminer quelles questions seraient mûres pour être incorporées dans un Traité International et pour préparer un programme qui devra être soumis aux Gouvernements invités à participer à la Conférence, suffisamment à temps avant la réunion pour leur permettre de l'examiner soigneusement et, finalement, de proposer un système d'organisation pour la procédure de la Conférence même.

Il est évident que les divers pays qui seront invités à la Haye, et tout pays américain avait été invité à la Seconde et sera sans doute invité à la troisième, devront examiner ces questions importantes avant la constitution du Comité Préparatoire International et il paraît opportun, sinon nécessaire, que chaque Gouvernement nomme un Comité pour examiner ces questions en détail, pour que les Gouvernements soient à même de pouvoir faire leurs propositions en toute connaissance de cause.

Comme les Républiques américaines le considéreront comme un droit d'assister à la Conférence il paraît qu'il est de leur devoir de se préparer d'avance pour une active participation à ses opérations. Ils n'accompliront pas leur devoir intégralement si leurs Délegués écoutent tout bonnement les discussions et y prennent part à l'occasion. Les États américains devront faire davantage. Ils devraient chercher à augmenter l'utilité de chaque conférence successive, en y faisant des contributions importantes et cela peut uniquement être fait, s'ils se préparent soigneusement à l'avance pour la réunion.

On ne s'attend pas à ce que les États américains présentent à la Conférence une série de projets en commun ou qu'ils fassent des propositions en commun, mais si les divers Gouvernements se communiquaient leurs vues de façon à arriver à un accord sur les questions qui à leur opinion devraient être présentées et qui pourraient former l'objet de traités internationaux cela faciliterait considérablement les affaires.

Nos États américains laisseraient s'échapper une occasion avantageuse, s'ils ne nommaient pas chacun, un Comité National pour étudier les questions qui seraient régulièrement discutées par la Conférence et ne préparaient pas des projets concernant ces questions, lesquels, s'ils ne sont pas adoptés par la Conférence pourront au moins former une base à la discussion.

Ces Comités Nationaux pourraient être constitués le plus tôt possible, afin d'éviter une perte de temps. Je ne puis assez chaudement recommander cette affaire à votre sérieuse attention et à votre examen.

L'éminent publiciste français, Monsieur le Professeur A. de Lapradelle, se réfère dans les termes suivants à la coopération apportée par les républiques américaines à la préparation des questions à discuter à la Haye: "La Seconde Conférence de la Paix, en appelant à la Haye tous les États de l'Amérique, a permis de constater entre eux, sur certains points, quelques désaccords. Ils n'ont pas tous la même conception, ni du droit de la paix, ni du droit de la guerre. Mais comment persuader l'Europe de la justesse des vues américaines si l'Amérique n'en est pas déjà préalablement convaincue? Et, d'autre part, de quelle autorité les propositions américaines ne seront-elles pas revêtues quand elles émaneront non pas de tel ou tel État, mais de l'Amérique tout entière, qui, les ayant étudiées dans l'Institut américain de droit international, les aura votées dans les Conférences pan-américaines?"

L'étude, le développement et la vulgarisation du droit international méritent nos meilleurs efforts. Un des hommes d'État les plus distingués de l'Europe a tout récemment dit: "Ni l'abrogation pure et simple de la guerre, ni l'institution d'un État supranational, ni un changement de gouvernement ou d'organisation sociale, ne peuvent aplanir la voie de la paix et mettre un terme aux appétits guerriers. Il n'y a qu'une route, pénible si l'on veut, mais sûre: c'est celle du droit; non pas d'un droit théorique et imaginaire, mais positif et réel. Une paix qui ne dérive pas du droit, qui n'y trouve pas sa base et sa garantie est sans valeur: elle n'est pas digne de vos sympathies ni de vos efforts. Elle repose sur une base fragile et chancelante; elle dépend d'éventualités précaires et risque à chaque instant de s'effondrer. Elle sacrifie ce qui est de premier ordre à un état de fait qui n'a qu'une importance secondaire et qui n'a de valeur morale qu'en tant qu'il est le fruit d'un règne de droit".

Monseigneur, Excellences, Mesdames, Messieurs: Avant de terminer, je veux vous exprimer une dernière fois mes remerciements les plus sincères pour le grand honneur qui m'est fait par l'Académie Brésilienne et l'Institut de l'Ordre des Avocats, ainsi que ma profonde reconnaissance pour votre aimable

et sympathique accueil. En quittant cette belle ville, qui, pour moi, sera toujours une des merveilles du monde, avec plus de regret que je ne vous saurai dire, j'emporterai des sentiments—si vous me le permettez—des amitiés personnelles très chères, et je vous dis—pas adieu mais au revoir.

### Carta del Señor Helio Lobo,

EN LA QUE ACEPTA EL PUESTO DE SECRETARIO HONORARIO EN EL BRASIL DE LA SOCIEDAD NACIONAL PARA LA CONCILIACIÓN INTERNACIONAL,  
RÍO DE JANEIRO, 9 DE OCTUBRE DE 1913

EXMO. SR. EMBAIXADOR ROBERTO BACON.  
Carnegie Endowment for International Peace.

*Senhor:*

Serviu-se Vossa Excellencia de convidar-me hontem, na Embaixada Americana, em nome da “Carnegie Endowment for International Peace”, de que é entre nós eminente representante em missão especial, para ser no Brasil o Secretario da “International Conciliation”, a nobre associação presidida em Paris pelo Barão Paulo d’Estournelles de Constant.

Agradecendo então, de viva voz, a insigne honraria, tive occasião de dizer a Vossa Excellencia quanto ella me desvaneceu. Peço licença para o repetir ainda aqui, muito sensível á extrema bondade de Vossa Excellencia para commigo.

Será para mim motivo de especial satisfação tentar concorrer assim, com o meu pequeno contingente pessoal, para a realização de uma obra que ninguem mais do que Vossa Excellencia, senhor Embaixador, sabe, com o prestigio do vosso alto nome, aquilatar e engrandecer.

Muito feliz me considerarei, portanto, se, procurando corresponder á prova de confiança em mim depositada, puder desempenhar-me das ordens com que Vossa Excellencia e a associação hajam por bem distinguir-me.

Com os meus sentimentos de particular apreço e respeitosa consideração, sou de Vossa Excellencia obediente servo—HELIO LOBO.

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[Traducción del Portugués]

EXMO. SR. EMBAJADOR ROBERTO BACON,  
Fundación Carnegie para la Paz Internacional.

*Señor:*

Vuestra Excelencia se sirvió invitarme ayer, en la Embajada Americana, en nombre de la Fundación Carnegie para la Paz Internacional, de la cual sois eminente representante en misión especial entre nosotros, para que yo sea en el Brasil el Secretario de la “Conciliation Internationale”, la noble sociedad presidida en París por el Barón Pablo d’Estournelles de Constant.

Al daros las gracias entonces, de palabra, por la insigne honra, tuve ocasión de decir a Vuestra Excelencia, cuánto ella me impresionó. Permítidme repetir las aquí, muy emocionado por la extrema bondad de Vuestra Excelencia para conmigo.

Será para mí motivo de especial satisfacción tratar de contribuir así, con mi pequeño contingente personal, a la realización de una obra que nadie mejor que Vuestra Excelencia, Señor Embajador, sabe, con el prestigio de su alto nombre, valorar y engrandecer.

Muy feliz me consideraré, por lo tanto, si, procurando corresponder a la prueba de confianza en mí depositada, pudiera desempeñar las órdenes con que Vuestra Excelencia y la Sociedad tengan por bien distinguirme.

Con mis sentimientos de particular aprecio y respetuosa consideración, soy de Vuestra Excelencia obediente servidor,

HELIO LOBO.



## APÉNDICE III

### *Argentina*

Discurso del Dr. E. S. Zeballos,

PRONUNCIADO EN EL BANQUETE DADO POR DICHO SEÑOR  
EN HONOR DE MR. BACON,  
BUENOS AIRES, 15 DE OCTUBRE DE 1913

*Señores:*

El señor Bacon pertenece al grupo selecto de americanos, que preside el eminente Mr. Root, y que cultiva la diplomacia de la intelectualidad en América y en el Mundo.

Ellos buscan en la recíproca estimación de los hombres superiores del mundo la orientación humana y americana hacia el respeto y la conciliación entre los pueblos.

¡Nobilísima misión! ¡Bienvenida sea con su ilustre exponente, entre nosotros, cuyo talento y cultura no olvidaréis, sin duda!

¡Señores: A los Estados Unidos de América, donde germina con grandes apoyos esta política intelectual!

Al noble anciano Carnegie, que enseña al mundo de cómo la fortuna privada, no debe concurrir solamente a mantener goces individuales, sino a servir al bienestar de los hombres.

Al ilustre Root, que preside este luminoso movimiento.

Al señor Bacon, espíritu gentil y cerebro robusto, que sin carácter oficial realiza en Sur América la más noble y fecunda de las misiones de los Estados Unidos de América, con credenciales de humanidad y de ciencia.

### Respuesta de Mr. Bacon

*Señores:*

Ante todo deseo me perdonéis mi osadía, al permitirme dirigiros la palabra en la sonora lengua castellana, que tan rica y armoniosa es, pero que yo lamento mucho no poseer. Vuestra bondad proverbial me asegura que cuento con vuestra benevolencia.

Os doy las gracias más cordiales, señor, por el honor que me habéis dispensado, proporcionándome el gran placer de conocer las personalidades más distinguidas del mundo intelectual de Buenos Aires. Os agradezco las amables frases que habéis pronunciado en mi obsequio y las alabanzas que habéis hecho de mi país. Os aseguro que vuestra fina cortesía me ha conmovido hondamente.

Experimento una profunda emoción al saludaros, señores. La afectuosa acogida que me habéis dispensado, unida a la admiración que siento por esta bellísima tierra argentina, me hacen difícil expresar como quisiera los sentimientos que embargan mi alma, al llegar a este país hospitalario.

Los ojos del mundo civilizado, se dirigen hoy hacia la República Argentina. Maravilla su admirable progreso, y por doquiera, se oyen palabras entusiastas en su alabanza y predicciones del brillante porvenir que le espera. Estoy terminando un viaje alrededor del mundo, y he oído muchas veces hablar de los encantos de este privilegiado país. La bellísima Sultana del Río de la Plata, Buenos Aires, me ha producido una impresión que nunca olvidaré. A más de su hermosura de gran ciudad, de corte europeo, a más del movimiento intenso de su puerto magnífico, de la animación bulliciosa de sus preciosas avenidas y de la atracción especial de sus simpáticos habitantes, todo lo cual justifica lo que oí contar, mi mirada, queriendo penetrar el porvenir, contempla extasiada la imagen brillante del París americano, que por la energía de su pueblo llegará a alcanzar una posición deslumbradora, que superará a los más acariciados sueños de la presente generación.

Me siento muy feliz, por haber podido venir aquí. He tenido siempre un vivo interés en la República Argentina, por sus luchas de independencia, por su desarrollo extraordinario, y por su porvenir espléndido. Me alegro de visitar la tierra natal del genial Sarmiento bien conocido en los Estados Unidos, donde concibió los planes educacionistas que tanto ha aprovechado su patria; del valeroso Belgrano, insigne e intrépido caudillo; y del austero patriota San Martín, cuyo preclaro talento militar y extraordinario desinterés lo asocian, en nuestra mente, con nuestro querido Wáshington.

Viniendo de parte de la Fundación Carnegie para la Paz Internacional, os traigo los más afectuosos saludos de su eminente presidente y vuestro ferviente amigo, el honorable Elihu Root, mi estimado maestro, a quien quiero y a quien vosotros, señores, estoy seguro, también apreciáis.

Se ha hablado de mi misión, de parte de la Fundación, como misión de amistad y de buena voluntad. Es verdad, y eso me enorgullece, pero ¿no es verdad también, que, existiendo ya lazos estrechos de amistad, se puede ir más allá?

De mi parte, yo preferiría que fuese, ella, considerada como misión de cooperación y de concurso entre viejos amigos, para discutir, estudiar y trazar las vías prácticas, por las cuales podamos trabajar juntos y marchar adelante hacia el progreso, hacia el ideal de la humanidad, siempre hacia más luz, por el triunfo del derecho en el mundo, substituyendo el llamamiento a la fuerza por el llamamiento a la justicia; hacia una opinión internacional que será la verdadera sanción del Derecho internacional.

Las nobles palabras pronunciadas por el señor Root, en el mil novecientos seis, en el Congreso Panamericano, representan hoy los sentimientos, los ideales del pueblo de los Estados Unidos con la misma verdad, con la misma fuerza, que tenían hace siete años; los gobiernos pueden cambiar, pero los sentimientos del pueblo permanecen los mismos. Me gusta siempre considerar esta memorable

declaración como la Doctrina Root: "the doctrine of sympathy and understanding, of kindly consideration and honorable obligation", y me sentiría orgulloso de ser digno de hablar de ella, como humilde apóstol.

Desde la visita del señor Root á vuestro bello país, en el mil novecientos seis, ha habido grandes cambios, un progreso maravilloso, en el desarrollo del Derecho internacional, del Derecho de gentes, en el cual desarrollo los ilustrados publicistas de vuestro país y los jurisconsultos de toda la América Latina, han tomado una parte importantísima.

El desarrollo científico del Derecho internacional, al cual el señor Root ha consagrado su gran talento con tanto interés, demuestra un progreso notable. Se ha dicho que la Segunda Conferencia de La Haya ha marcado el adelanto más trascendental que jamás se ha hecho de un golpe hacia el arreglo razonable y pacífico de la conducta internacional, a menos que sea el adelanto logrado en la Primera Conferencia de La Haya.

Se ha dicho que los sueños y las utopías de hoy son los hechos reales de mañana. Los sueños de ayer son las realidades de hoy. Los sueños de Rolin-Jaequemyns, Lieber, Calvo, Alcorta y de otros convencidos, ya han llegado a ser las realidades del presente; el espíritu de sus doctrinas ha llegado a ser un principio en nuestra época.

Es la creencia de los Síndicos de la Fundación Carnegie que este adelanto se puede apresurar de una manera práctica. Ellos están convencidos de que los ideales de los directores del pensamiento pueden llegar a realizarse más pronto y el mundo se beneficiaría más eficazmente, por un esfuerzo unido en ciertas definidas y prácticas empresas. Esta es la razón por qué he venido a pedir os vuestra valiosa ayuda y cooperación.

El señor Root, que quisiera alejarse de la vida intensa de la política y consagrar la mayor parte de sus esfuerzos a esta causa, está muy empeñado en el desarrollo de algunos planes de la Fundación, que son de más precisión, y en cuanto a ellos me ha encarecido solicitar especialmente vuestro concurso para:

Hacer más seguro y permanente el nuevo Instituto Americano de Derecho Internacional por medio de la creación en cada Estado de la América, de sociedades nacionales de Derecho internacional, que pueden afiliarse al Instituto y así llegar a ser una parte constitutiva del mismo.

La creación de una Academia de Derecho Internacional en La Haya, mandando cada gobierno uno o más representantes a dicha Academia.

La organización en cada país de sucursales nacionales de la Asociación para la Conciliación Internacional, radicada en París, de la cual es presidente el Barón d'Estournelles de Constant.

La creación de nuevos vínculos intelectuales por medio del intercambio de profesores y de estudiantes entre las universidades de Sur América y las de los Estados Unidos, así como también por medio de visitas de hombres eminentes.

Pido perdón por haber ocupado vuestra atención tanto tiempo. Espero en otra ocasión explicar más detalladamente las ideas y los deseos del señor Root,

y os ruego que prestéis a estos proyectos prácticos vuestra seria consideración, no solamente para estrechar todavía más los vínculos de amistad y de solidaridad entre nuestros propios queridos países, no solamente para crear una unión intelectual entre las repúblicas americanas, sino en bien de la humanidad y para adelantar y promover la libertad y la justicia entre las naciones del mundo.

### Discurso del Dr. Luís M. Drago,

AL PRESENTAR A MR. BACON EN LA RECEPCIÓN DE LA FACULTAD DE DERECHO,  
BUENOS AIRES, 16 DE OCTUBRE DE 1913

Tengo el honor, de dar la bienvenida en esta casa y de presentar ante el distinguido auditorio que aquí se ha congregado para escuchar su palabra, al señor Roberto Bacon, uno de los más altos representantes intelectuales de los Estados Unidos de América, que llega a Buenos Aires en una misión de confraternidad continental.

Mr. Bacon, antiguo secretario de Estado de la Unión Americana, y su embajador en París, es hoy síndico de la Universidad de Harvard, y a los prestigios de su claro talento, y a sus altos méritos personales, agrega, ahora las credenciales de enviado especial de la ya célebre "Dotación Carnegie", constituida en los Estados Unidos para promover la paz y la fraternidad entre las naciones del mundo. Mr. Bacon, hombre de estado, eminente pensador y político, universitario y educacionista de nota, reúne en su persona todos los prestigios de la alta clase intelectual a que pertenece, y es ciertamente muy digno continuador de la obra de Mr. Root, aquel príncipe de los oradores y de los hombres de gobierno de este hemisferio, que tanto hizo en su viaje memorable para promover la aproximación de los pueblos de América, mostrándoles los vastos horizontes morales e intelectuales que pueden alcanzarse por el esfuerzo colectivo.

Mr. Bacon que no ha temido afrontar las penalidades de un largo viaje para traer a las naciones suramericanas el mensaje fraternal de la "Institución Carnegie", es así un abnegado apóstol del viejo ideal humanitario y de la política de solidaridad, de justicia, de tolerancia respetuosa y de benévola simpatía en que siempre se ha inspirado la acción exterior de la República Argentina.

Me complazco en saludar a nuestro ilustre huésped en nombre de la Facultad de Derecho, rogándole quiera tener la bondad de hacer uso de la palabra.

### Discurso de Mr. Bacon

*Excellences, Mesdames, Messieurs:*

Je ne trouve pas de mots pour vous exprimer mes sentiments de haute appréciation du très grand honneur qui m'est fait aujourd'hui par la Faculté de Droit.

Je vous prie de croire que j'en suis très sensible et que je suis profondément touché par cette marque de courtoisie que vous m'avez témoignée en me conviant

à assister à cette réunion sous les auspices de l'élite de vos intellectuels pour vous adresser au sujet de ma mission.

Je vous remercie, Monsieur, du fond du cœur de vos trop aimables paroles, si peu méritées.

C'est pour moi un très grand plaisir de visiter, bien que pendant quelques jours, trop courts à mon gré, quelques-uns des peuples et des pays de l'Amérique du Sud, car ce fut toujours un de mes vœux les plus chers, que je n'ai pu réaliser encore que partiellement de voir de mes propres yeux vos admirables contrées, les merveilles de votre civilisation, de me rencontrer de nouveau avec des amis que j'ai connus et aimés dans d'autres parties du monde, d'y nouer de nouvelles amitiés qui ajouteront un nouveau charme à la vie et dont je garderai un souvenir que ni le temps, ni la distance, ne sauraient ni effacer, ni obscurcir. Je viens chargé d'un message de bon vouloir de la part de votre ami dévoué votre grand admirateur, Monsieur Elihu Root. C'est à sa requête, devancée par mon propre désir, que j'ai l'honneur de me présenter devant vous. Je voudrais pouvoir vous dire tout ce qu'il vous dirait lui-même, s'il était ici présent, si, prenant la parole, il vous adressait le salut de sa vieille amitié; les expressions différeront, peut-être, mais l'esprit qui les animera, je vous prie de le croire, sera absolument le même.

J'aimerais que vous me considériez comme inaugurant une série de visites internationales qui se poursuivront sans interruption et mèneront à notre mutuel avantage, en mettant en rapport les représentants autorisés de la société et du monde intellectuel des contrées du Sud ainsi que de celles du Nord, et en vous invitant à coopérer à l'établissement d'institutions internationales qui deviendront, nous l'espérons, des centres de bon vouloir, qui répandront et populariseront des principes justes et progressifs de droit international dont peuvent dépendre les bonnes relations internationales; et qui, par différentes voies, directement et indirectement, par un échange de pensées, un échange de vues et une heureuse combinaison d'efforts parviendront à fortifier les liens d'amitié qu'un passé commun, des institutions communes et un but commun provoquent et réclament.

L'histoire et la nature ont fait naître et grandir un profond sentiment de solidarité, non seulement entre les États de l'Amérique latine, mais encore entre les Républiques du Sud et les États-Unis. Il importe de maintenir et de fortifier cette solidarité qui, en raison de sa double origine, unit indissolublement les nations du nouveau Continent dans le passé, dans le présent et dans l'avenir.

Il suffit de jeter les yeux sur l'histoire politique du Nouveau Monde pour voir l'intérêt constant qu'ont porté les États-Unis à la lutte entreprise par les États de l'Amérique latine afin de s'affranchir d'abord de la métropole et de défendre ensuite leur indépendance conquise contre toute tentative de conquête de la part des puissances européennes. Il suffit aussi de rappeler brièvement qu'après l'émancipation, les États-Unis ont fourni aux États latins les formes et les bases de leurs institutions politiques, notamment de leur régime républicain et démo-

cratique à une époque où précisément les vieilles institutions politiques de l'Europe étaient loin de répondre aux idées de la liberté et aux conditions sociales des deux Amériques.

Tout ce passé de gloire dans l'histoire du Nouveau Monde, doit fortifier de jour en jour les liens indestructibles de solidarité qui ont uni les nations américaines depuis leur naissance à la vie politique.

La nature consolide encore l'œuvre de l'histoire. La situation continentale des Etats du Nouveau Monde a fait naître une série de problèmes communs à tous les Etats de ce Continent, créant de la sorte entre eux de nouveaux liens de solidarité. Grâce aux progrès de la civilisation et au perfectionnement des moyens de communication, on a compris, de nos jours, en Amérique, l'impérieuse nécessité de résoudre uniformément les problèmes nés des situations et conditions spéciales au Nouveau Continent.

Devançant en quelque sorte l'Europe, dont les grandes puissances ne se rencontraient en conférence qu'à la suite de guerres, pour déterminer les conditions de la paix, tous les Etats de l'Amérique se sont réunis en des conférences pacifiques, afin de traiter les questions communes à tout leur continent; d'où le nom et l'origine des conférences pan-américaines. Ces conférences ont été des plus fructueuses—un certain nombre de problèmes d'intérêt américain ont été étudiés; des conventions importantes ont été signées en vue de développer la vie sociale et intellectuelle du Nouveau Monde. Enfin, les représentants des divers Etats Américains ont ainsi appris à se mieux connaître et ils ont pu se rendre compte combien multiples et puissants sont les liens qui unissent tous les Etats Américains.

Les sentiments de solidarité et de fraternité qui groupent dans une communauté d'intérêts les Etats du Nouveau Monde doivent donner naissance à une œuvre d'union et de concorde. La voie est déjà ouverte; de nombreux et fertiles résultats ont été obtenus; il importe donc de parvenir et de réaliser de plus en plus l'entente et l'harmonie. Il faut surtout dissiper le malentendu du Sud à l'égard de la politique des Etats-Unis. Comme l'a dit solennellement mon maître, Monsieur Root, ce pays désire avant tout que la paix et la prospérité règnent dans l'Amérique latine afin de fortifier et de resserrer les liens d'amitié et de fraternité qui doivent unir tous les peuples américains.

J'ai l'honneur de m'adresser à vous, non pas simplement en mon nom personnel, mais au nom de la Fondation Carnegie pour la paix internationale, dont le Sénateur Root est président, et de vous inviter au nom et de la part des administrateurs de la Fondation de leur prêter votre concours par tous les moyens qui vous paraîtront possibles et convenables.

En d'autres termes, le désir de Monsieur Root est d'éveiller autant que possible l'intérêt et la sympathie des maîtres de l'opinion dans l'Amérique du Sud et de les gagner aux diverses entreprises que la Fondation cherche à favoriser dans l'intérêt de meilleures relations internationales, de sorte qu'ils puissent prêter d'une façon pratique leur concours à l'œuvre poursuivie.

L'estime et l'amitié que les administrateurs de la Fondation nourrissent pour les peuples de l'Amérique latine et pour nombre d'Américains latins distingués, avec lesquels ils ont eu d'agréables relations d'amitié, les ont conduit à souhaiter que l'œuvre de la Fondation puisse trouver dans l'Amérique du Sud des collaborateurs aussi actifs et aussi utiles que ceux qu'elle a rencontrés en Europe.

Laissez-moi vous citer directement un passage des instructions que m'a données Monsieur Root, au lieu de les paraphraser comme j'ai fait à plusieurs reprises. "Vous remarquerez", dit-il, "qu'un des moyens par lesquels la Division des Rapports et d'Education se propose de favoriser la bonne entente entre les nations, consiste en une série de visites d'hommes représentatifs. En conséquence, sous les auspices de la Division, directement ou indirectement, le Baron d'Estournelles de Constant, de France, la Baronne von Suttner, d'Autriche, et le Professeur Nitobe, du Japon, ont déjà visité les États-Unis; le Président Eliot, de l'Université Harvard, a visité l'Inde, la Chine et le Japon, et le Dr. Hamilton Wright Mabie est maintenant au Japon. Votre visite dans l'Amérique du Sud rentre dans cette catégorie, mais elle a, cependant, un intérêt plus déterminé et plus spécial que les voyages que je viens d'énumérer ou qui sont projetés pour l'objet que j'ai mentionné, car elle n'a pas simplement pour but de fortifier la bonne entente en établissant des relations personnelles entre un homme de l'Amérique du Nord et des hommes distingués de l'Amérique du Sud, mais elle a encore pour but de porter à la connaissance des hommes représentatifs de l'Amérique du Sud les travaux, les vues et l'idéal de la Fondation, et d'inviter les amis que nous possédons dans le sud de l'Amérique à se joindre à nous avec cordialité et sympathie pour encourager la grande œuvre à laquelle nous nous sommes consacrés."

Tel est l'esprit plein de bons sentiments, de douce sympathie qui a inspiré ma mission; je n'ai pas besoin de vous dire que c'est aussi l'esprit dans lequel je tâche de la remplir.

Je regrette que je me trouve aujourd'hui obligé de me borner aux détails secs et peu intéressants, à ce moment, où, sous le charme, sous l'inspiration de la gracieuse bienveillance de votre accueil et de votre charmante hospitalité, je voudrais parler et encore parler de nos idéals, de nos espérances. Car je suis fier Monsieur, de partager votre optimisme, et j'ai l'intime conviction que, malgré les nuages accumulés par la défiance et le scepticisme, nous sommes à la veille d'un grand mouvement de progrès dans l'évolution du libéralisme du monde, et que de loin nous pouvons voir poindre l'aurore d'un jour plus pur.

Les principes, la philosophie de la vie du siècle passé ne nous suffiront plus. Il nous faudra de nouvelles lois de l'économie politique, de nouveaux principes du droit international.

Vous m'avez fait l'honneur de me demander de vous donner de plus amples détails sur certains projets de la Fondation.\*

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\*NOTA.—Esta parte del discurso, en la cual se describen técnicamente la obra y fines de la Fundación, necesariamente es análoga a los pronunciados en francés sobre el mismo tema en la Embajada americana y en La Biblioteca Nacional en Rio de Janeiro, siendo repetida en substancia en las Universidades de Santiago y de Lima.

Le travail de la Fondation a été réparti en trois Divisions.

1. La division des Rapports et d'Éducation, dont M. le Dr. Nicholas Murray Butler, président de l'Université de Columbia, est le directeur.

2. La division d'Économie Politique et d'Histoire, dont M. le Dr. John Bates Clark est le directeur.

3. La division de Droit International, dont le Secrétaire de la Fondation, M. le Dr. James Brown Scott, est le directeur.

En ce qui concerne la Division des Rapports et d'Éducation, il était évident que les opérations de cette Division s'appliqueraient nécessairement aux pays étrangers, et qu'il était essentiel pour la réussite de la tâche, que celle-ci fût exécutée dans les pays étrangers par des agents locaux plutôt que par des sections de la Fondation. Comme il fut impossible de fixer longtemps à l'avance ce qui devait être entrepris, et comment les méthodes devaient être appliquées, sans le conseil des chefs compétents et expérimentés de l'idée dans les divers pays, Monsieur le Docteur Butler, le Directeur de la Division, a constitué un Comité Consultatif d'hommes d'État et de publicistes européens et un corps de correspondants sur l'avis et le concours sympathique desquels il peut toujours compter.

Nous nous sommes demandé s'il serait agréable aux coryphées de la pensée dans l'Amérique latine de créer une organisation quelque peu similaire au Comité Consultatif Général qui est déjà formé en Europe.

La Division a inauguré des visites d'hommes éminents, et un échange éducatif avec le Japon. J'espère être à même d'obtenir des conseils et des renseignements dans l'Amérique du Sud qui nous permettront de commencer dans un avenir prochain l'échange réciproque de professeurs et d'étudiants avec l'Amérique latine.

La Fondation voudrait bien que l'échange commencât de suite par l'envoi annuel de deux éminents savants, ou publicistes de l'Amérique du Sud aux États-Unis; et deux Américains du Nord, à l'Amérique du Sud. Chacun de ces Messieurs consacrerait son temps à deux institutions établies dans le continent qu'il visiterait.

Il est inutile d'insister sur la sagesse et l'opportunité de ces projets, car c'est une vérité commune que bien des malentendus qui existent entre les nations sont le résultat de l'ignorance des conditions locales, des traditions et des idées. Les relations personnelles prouvent, qu'au fond tous les hommes sont absolument les mêmes, et que le contact personnel, la discussion, et l'échange d'idées posent les bases indispensables pour l'amitié et la bonne entente.

Une des activités auxquelles cette Division attache une grande importance est celle qui concerne l'établissement d'associations pour la Conciliation dans le monde entier.

Il y a quelques années, l'Association Mère a été constituée à Paris par Monsieur le Baron d'Estournelles de Constant. La section aux États-Unis dont M. le Dr. Butler est le Président, fut créée en 1906. Les Associations allemandes



et anglaises, ont été organisées en 1912, et je suis chargé par mes instructions de faire appel au concours des parties intéressées dans les pays que j'ai l'honneur de visiter, d'organiser des Sociétés filiales de la Conciliation Internationale en rapport avec la Société-Mère à Paris. Ces Associations, bien que locales par leur origine, ont néanmoins une mission internationale, et cherchent à créer par leurs réunions, et les brochures utiles qu'elles publient régulièrement, des sentiments amicaux envers les peuples des pays étrangers.

Permettez-moi d'exposer les buts et objets des Sociétés pour la Conciliation Internationale dans la langue du fondateur de la Société-Mère à Paris. Dans une note que Monsieur le Baron d'Estournelles de Constant a eu l'amabilité de préparer sur ce sujet, il dit :

La Conciliation n'est pas une organisation sentimentale, humanitaire ; elle est un progrès pratique, patriotique poursuivi dans l'intérêt national de chaque pays, particulièrement des pays jeunes qui ont besoin de consacrer toutes leurs forces et leurs ressources à leur développement. Elle a pour but d'assurer au monde des affaires, du travail, à l'agriculteur, à l'industriel, au commerçant, comme à l'artiste et au savant, la sécurité du lendemain, la possibilité de concevoir et d'entreprendre des œuvres d'avenir.

La Conciliation est le complément moderne indispensable de l'effort économique de tout pays civilisé. Développer la prospérité nationale à la faveur des bonnes relations internationales, voilà tout notre effort résumé par notre motto : *Pro patria per orbis concordiam*.

Les guerres de conquête ne paient plus : elles n'engendrent que des haines, des représailles, des charges d'une paix armée chaque jour plus écrasantes ; et ces charges sont devenues un des arguments les plus puissants, dans les masses, en faveur du socialisme et de la Révolution.

Seules les guerres d'indépendance sont respectables, mais nul ne menace l'indépendance des États Américains. Ils seront plus forts en s'entendant tous qu'en s'armant les uns contre les autres.

L'arbitrage, au contraire, depuis les expériences de l'Alabama, de Hull, de Casablanca, des pêcheries de Behring et de Terre Neuve, etc., etc., a fait ses preuves.

Organisez l'arbitrage plutôt que la guerre, mais préférez toujours la conciliation à l'arbitrage.

Telle est notre conception, notre règle de vie.

Je la résume ainsi :

La guerre plutôt que la servitude,  
L'arbitrage plutôt que la guerre,  
La conciliation plutôt que l'arbitrage.

L'arbitrage répare, la conciliation prévient. La conciliation substitue l'esprit de coopération féconde à la routine stérile des antagonismes.

La Fondation est disposée à se charger des dépenses encourues pour l'organisation de ces Sociétés, et à fournir les ressources nécessaires pour s'assurer les services de Secrétaires capables d'énergie, de dévouement, de persévérance et d'intelligence desquels dépend l'utilité de ces Sociétés.

Je m'occuperai maintenant du travail de la Division d'Économie Politique et d'Histoire.

La tâche de cette Division est : "Encourager des recherches, et des études scientifiques, et approfondies, sur les causes de la guerre, et sur les moyens pratiques de la prévenir et de l'éviter."

Une conférence fut arrangée à Berne, en Suisse, en août 1911, à laquelle des économistes et des publicistes distingués de toute l'Europe furent invités à examiner les questions qui pourraient être dûment et pratiquement étudiées, et d'élaborer un programme d'essai pour la Division.

Un grand nombre de sujets ont déjà été assignés à des spécialistes choisis dans les pays auxquels leur tâche s'applique ; quelques-unes des études sont déjà terminées et dans l'espace de quelques années, la Fondation aura publié une série de brochures remarquables, s'appliquant à toutes les phases du programme élaboré, et qui seront—pour parler le langage de Monsieur Root—"useful to mankind".

Monsieur le Professeur Kinley, un vieux et sincère ami de l'Amérique latine, qui a représenté les États-Unis au quatrième congrès Pan-Américain tenu à Buenos-Ayres, a été nommé membre du Comité de Recherches, et il se consacrera plus spécialement aux problèmes dans lesquels l'Amérique latine est intéressée. Il visitera certainement dans le courant de l'année prochaine l'Amérique latine pour conférer avec les maîtres de l'opinion, en vue d'obtenir leur avis et si c'est possible de s'assurer leur concours pour proposer et pour exécuter les projets qu'ils pourraient recommander.

La troisième Division de la Fondation est la Division de Droit International.

Cette Division, de même que les autres Divisions, a trouvé nécessaire de créer une organisation spéciale et de s'assurer les services d'un corps d'avocats-conseils dans les conclusions juridiques et exactes desquels les Directeurs peuvent avoir toute confiance.

L'Institut de Droit International se compose—il est à peine besoin de le dire—des plus éminents jurisconsultes de toutes les nations et la Fondation a demandé à l'Institut d'agir, soit comme corps, soit par l'intermédiaire d'un comité spécialement choisi dans ce but, comme conseiller pour la Division de Droit International. L'Institut a accepté cette charge, a choisi un comité de onze membres à sa réunion de Christiana, en 1912, lesquels ont exercé leurs fonctions pendant la présente année comme conseillers pour le Directeur et le Comité, spécialement connu comme Comité Consultatif pour la Fondation Carnegie, a élaboré un Règlement, qui a été accepté par l'Institut, au moyen duquel les rapports établis entre l'Institut d'une part, par son Comité Consultatif et la Fondation d'autre part, par l'intermédiaire de sa Division de Droit International, doivent être permanents.

Le Comité se compose de onze membres, dont le Président et le Secrétaire Général de l'Institut font partie d'office ; les autres membres sont élus pour occuper cette fonction pendant un nombre d'années déterminé. Il y a lieu de mentionner que les membres de ce Comité sont des hommes d'une grande expérience et d'une haute autorité dans toutes les questions en matière de droit international : Messieurs Fusinato, d'Italie ; Gram et Hagerup, de Norvège ; Holland, d'Angleterre ;

Lammasch, d'Autriche; Lardy, de Suisse; Renault, de France; Rolin, de Belgique et Vesnitch, de Serbie.

La Division a en voie de préparation plusieurs ouvrages. Le premier est un recueil et une publication de tous les traités généraux et spéciaux d'arbitrage et en ce qui concerne notamment les traités du dix-neuvième siècle, la Fondation serait très reconnaissante aux publicistes de l'Amérique latine s'ils voulaient bien fournir des informations sur certaines questions de cette nature qu'ils connaissent le mieux et qu'ils sont peut-être les seuls à connaître, et les Trustees de la Fondation apprécieraient comme une très grande faveur de la part des Gouvernements de l'Amérique latine s'ils voulaient bien leur fournir des copies de ces traités, attendu qu'il est vraiment très difficile de se procurer à toute époque des textes absolument exacts et méritant toute confiance. Tous les exemples connus d'arbitrages internationaux devront être rassemblés et publiés sous forme de rapports juridiques et les séries seront continuées indéfiniment. C'est Monsieur le Professeur John Bassett Moore, cette haute autorité bien connue dans les questions de Droit International et d'Arbitrage, ancien Professeur à l'Université de Columbia et actuellement conseiller au Département d'Etat des États-Unis, qui s'est chargé de cette œuvre monumentale et il s'en occupe activement.

L'Institut de Droit International, qui joue maintenant le rôle de conseiller de la Division de Droit International est celui qui a été créé en Europe en 1873; mais bien que cet Institut représente la "conscience juridique universelle", plusieurs jurisconsultes ont senti le besoin d'une institution qui devrait être le représentant de la conscience juridique de l'Amérique, étudier les problèmes intéressant particulièrement le nouveau monde, et envisager au point de vue américain les questions générales du droit des gens.

Comme vous le savez, un Institut Américain de Droit International a été fondé en 1912 par Monsieur Alejandro Alvarez de Chili, et Monsieur le Docteur James Brown Scott, le Directeur de la Division de Droit International de la Fondation. Cet Institut envisage la formation de Sociétés Nationales de Droit International dans chaque pays américain pour être affiliées avec lui et pour travailler en harmonie avec lui, pour étudier des problèmes américains, en vue de développer le droit international, de faire connaître ses principes dans tous les pays et de contribuer aux relations pacifiques des pays, parce que ces relations, si une opinion publique éclairée les exige, seront basées sur les principes d'un système équitable et hautement développé de droit international.

L'Institut Américain de Droit International sera composé de cinq publicistes de chacune des Républiques américaines choisis par les membres fondateurs de l'Institut parmi les membres des Sociétés Nationales et tout membre de la Société Nationale, en vertu de cette qualité de membre, a le droit de se faire inscrire comme Membre Associé de l'Institut, et de participer à ses travaux.

De crainte d'avoir l'air de vous exposer dans un langage exagéré les buts et objets de l'Institut Américain de Droit International, dont Monsieur Elihu Root est le Président d'Honneur, qu'il me soit permis de vous citer un passage d'un

érudit hollandais, Professeur de Droit International, qu'on peut supposer traiter cette question avec plus de détachement.

Après avoir parlé du grand exemple que l'Amérique a donné au monde en poursuivant la codification du droit international, il dit :

Le second exemple nous est fourni par un Institut essentiellement scientifique mais à peine inférieur en valeur morale. Les rapprochements graduels entre le Nord et le Sud ont créé un nouvel instrument de progrès. Les projets d'une union pan-américaine, qui ont été longtemps lancés sans jamais aboutir, ont enfin donné un résultat sur le terrain paisible des études, grâce au talent et à la persévérance de deux hommes illustres des deux moitiés de l'hémisphère. Dans le cours de l'année passée Monsieur James Brown Scott, le jurisconsulte renommé des Etats-Unis et Monsieur Alejandro Alvarez, ancien professeur et Conseiller au Ministère des Affaires Etrangères du Chili, qui en Juin 1912 avait exercé une influence des plus salutaires à Rio sur le grand projet de codification, après une rencontre personnelle à Washington, y ont fondé en Octobre 1912, l'Institut Américain de Droit International. Cet Institut a pour but : 1. de contribuer au développement du droit international ; 2. de consolider le sentiment commun d'une justice internationale ; 3. de faire accepter partout l'action pacifique dans le règlement des contestations internationales entre les Etats américains.

Cette idée lumineuse naquit de la conviction qu'il vaut mieux propager les notions de droit et de justice par une infusion lente mais constante dans les têtes et dans les cœurs des peuples, que par des négociations diplomatiques, qui ne reposent pas sur un sentiment populaire général.

Si l'on prend en considération que le mouvement pacifiste en Amérique est beaucoup plus universel qu'ailleurs, qu'il repose soit sur un fond religieux, soit sur une communauté d'intérêts et de tendances dignes d'envie, on saura apprécier cette preuve nouvelle d'un progrès vigoureux qui nous est parvenue de l'autre côté de l'Océan ; il ranime notre espoir et redouble nos efforts

Monsieur Root et ses collègues attachent la plus haute importance à l'établissement et au fonctionnement heureux de l'Institut Américain de Droit International et de ses sociétés affiliées dans chacun des pays de l'Amérique.

La Fondation paye actuellement une subvention au plus ancien Institut, fondé en Europe. Cette subvention est destinée à couvrir les frais de voyage des membres de l'Institut, les dépenses faites par les commissions et la publication de leurs travaux. Le nouvel Institut peut compter recevoir de la Fondation, aussitôt que les sociétés nationales seront définitivement constituées, son aide financière, et qu'il sera mis sur un pied d'égalité avec l'ancien Institut.

Le Journal Américain de Droit International, qui, avec quelques légères modifications pourrait devenir l'organe de l'Institut Américain, reçoit déjà une subvention annuelle de la Fondation.

Une autre institution à laquelle la Division de Droit International s'intéresse beaucoup et qu'elle subventionnerait et maintiendrait est l'Académie de Droit International que l'on propose d'établir à la Haye.

Une proposition a été faite à la Seconde Conférence de la Paix à la Haye en vue de créer une Académie de Droit International et elle a été développée par le Président de la Conférence. Aucune résolution n'a été prise alors, mais

l'idée s'est imposée elle-même aux publicistes de toutes les nationalités. Un Comité de publicistes hollandais, sous la présidence de Monsieur Asser, dont nous déplorons tous le récent décès, a pris l'initiative qu'une telle Académie soit créée et installée au Palais de la Paix à la Haye.

Le Tribunal d'Arbitrage appliquerait le droit, qui aura été systématiquement enseigné à l'Académie et le merveilleux Palais, qui vient d'être officiellement inauguré au mois d'août dernier, deviendrait, en effet, un Temple de la Paix, un foyer du Droit International.

La proposition de Monsieur Asser envisage pour les mois d'été, un enseignement systématique de droit international et des matières afférentes par une faculté spécialement constituée et changeante, au point de vue des professeurs choisis parmi les publicistes de différents pays. Des cours seraient donnés et des conférences seraient faites sur des sujets importants et opportuns par des publicistes qui, en plus d'un long entraînement théorique, ont acquis une grande expérience dans la pratique du droit international.

Il est également proposé que les Gouvernements s'intéressent à l'Académie et qu'ils soient invités à désigner par voie diplomatique des fonctionnaires appropriés des divers départements ministériels pour suivre les cours de l'Académie.

L'Institution serait unique par ses sessions d'été, unique par sa petite faculté variable et unique par son corps d'étudiants accourus des divers pays étrangers et des classes officielles. Les conférences publiées sous forme de brochures enrichiraient la littérature du droit international; le droit lui-même serait traité de divers points de vue et par des professeurs compétents, dont un seulement serait choisi à la fois d'un pays. Le corps des étudiants serait recruté de divers pays et peu à peu ils exerceraient une influence dans leurs pays respectifs, de sorte que l'Académie aiderait éminemment à établir une meilleure compréhension des droits et des devoirs internationaux et à disséminer les principes de justice.

L'Académie, quand elle sera constituée, formera une institution séparée et indépendante sous le contrôle d'un comité ou curatorium spécialement nommé, composé en première ligne d'anciens Présidents de l'Institut de Droit International. Ainsi organisée et administrée, elle favorisera le but pour lequel la Fondation a été créée, mais elle ne sera pas une agence directe de la Fondation, ni sous son contrôle.

Monsieur Root m'a chargé de vous soumettre le projet de cette Académie et de demander le concours de toutes les Républiques de l'Amérique latine, en vue de désigner un ou plusieurs de leurs compatriotes pour assister aux conférences et aux cours d'instruction qui seront donnés à l'Académie quand elle sera établie.

Une question sur laquelle je suis chargé d'attirer votre attention, est la formation de Comités Nationaux, pour examiner les matières qui pourraient dûment figurer et faire partie du programme de la prochaine Conférence de la Haye; lesquels Comités se mettront eux-mêmes en communication avec les Comités analogues formés dans tous les pays américains.

C'est un fait généralement connu que la deuxième Conférence de la Paix à la Haye en 1907 a proposé la réunion de la troisième Conférence à une période approximativement égale à celle qui s'est écoulée entre la première et la seconde Conférence, c'est-à-dire, après huit ans, de sorte que si la proposition est mise à exécution, nous pouvons nous attendre à ce que la troisième Conférence se tienne approximativement en 1915.

Il a été en outre stipulé dans la proposition susmentionnée qu'environ deux ans avant la réunion probable de la Conférence, un Comité préparatoire international serait constitué par un accord commun entre les Puissances.

Il est évident que les divers pays qui seront invités à la Haye, devront examiner ces questions importantes avant la constitution du Comité Préparatoire International et il paraît opportun, sinon nécessaire, que chaque Gouvernement nomme un Comité pour examiner ces questions en détail, pour que les Gouvernements soient à même de pouvoir faire leurs propositions en toute connaissance de cause.

Comme les Républiques américaines le considéreront comme un droit d'assister à la Conférence, il est de leur devoir de se préparer d'avance pour une active participation à ses opérations. Ils devraient chercher à augmenter l'utilité de chaque conférence successive, en y faisant des contributions importantes et cela peut uniquement être fait, s'ils se préparent soigneusement à l'avance pour la réunion.

On ne s'attend pas à ce que les États américains présentent à la Conférence une série de projets en commun ou qu'ils fassent des propositions en commun, mais si les divers Gouvernements se communiquaient leurs vues de façon à arriver à un accord sur les questions qui à leur opinion devraient être présentées et qui pourraient former l'objet de traités internationaux, cela faciliterait considérablement les affaires.

L'éminent publiciste français, le Professeur A. de Lapradelle, se réfère dans les termes suivants à la coopération apportée par les républiques américaines à la préparation des questions à discuter à la Haye :

La seconde Conférence de la Paix, en appelant à la Haye tous les États de l'Amérique, a permis de constater entre eux, sur certains points, quelques désaccords. Ils n'ont pas tous la même conception, ni du droit de la paix, ni du droit de la guerre. Mais comment persuader l'Europe de la justesse des vues américaines si l'Amérique n'en est pas déjà préalablement convaincue? Et, d'autre part, de quelle autorité les propositions américaines ne seront-elles pas revêtues quand elles émaneront non pas de tel ou tel État, mais de l'Amérique tout entière, qui, les ayant étudiées dans l'Institut américain de droit international, les aura votées dans les Conférences pan-américaines?

Qu'il me soit permis de faire une dernière citation du Sénateur Root :

L'Administration de la Fondation se rend bien compte que les progrès dans l'œuvre qu'ils ont entreprise seront nécessairement lents et que les résultats les plus substantiels n'apparaîtront que dans un avenir éloigné. Nous

avons à compter avec des habitudes, des tendances profondément enracinées dans la nature humaine, car elles s'y sont développées au cours de milliers d'années ; tout ce que peut espérer faire une génération c'est d'amener graduellement quelque changement dans la manière de vivre. Toute évaluation d'un pareil travail et de ses résultats ne saurait trouver sa mesure dans la vie éphémère des individus mais dans la vie séculaire des nations. Mais quelque maigres que soient ses résultats immédiats, il n'y a pas de plus noble objet pour l'activité humaine que d'exercer son influence sur les tendances de la race, de façon qu'elle se meuve dans la direction de la civilisation et de l'humanité et s'éloigne de la barbarie. C'est pour les faire participer avec nous à cette noble tâche que nous vous demandons d'inviter nos amis de l'Amérique du Sud avec l'assurance la plus sincère et sans réserve de notre haute considération et de notre profond respect.

Excellences, Mesdames, Messieurs, avant de terminer, je tiens à vous exprimer encore une fois mes remerciements les plus sincères pour le grand honneur qui m'est fait par la Faculté de Droit, ainsi que ma profonde reconnaissance pour votre aimable et sympathique accueil.

## APÉNDICE IV

### *Uruguay*

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#### Discurso del Ministro Americano, Hon. Nicolay Grevstad,

PRONUNCIADO EN EL LUNCH DADO POR DICHO SEÑOR A MR. BACON EN EL CLUB URUGUAY,  
MONTEVIDEO, 20 DE OCTUBRE DE 1913

#### *Excelencias, Señoras y Señores:*

¡Demos la más cordial bienvenida a nuestros distinguidos huéspedes, heraldos de la paz y de la amistad fraternal! Ya sabemos todos que el señor Roberto Bacon viene como representante de la Donación Carnegie por la Paz Internacional. Sabemos también que nunca ha sido más necesario que en el día de hoy, para el mundo entero, el hacer la guerra de la razón contra la guerra de las armas. Es un signo sumamente propicio que un hombre tan distinguido como nuestro huésped se haya dedicado al trabajo internacional por la paz. Le podemos decir que el Uruguay está listo para oír su buen mensaje. Podemos asegurarle que el Uruguay, rico en su tierra inmejorable, en su pueblo fuerte, inteligente y progresista, en su honor comercial y financiero tan limpio como el mismo oro que por tantos años ha formado la base de su sistema monetario, el Uruguay dará, con toda sinceridad, la enhorabuena al señor Bacon, a su digna esposa, a su señorita hija y a sus amigos. ¡Los saludamos!

#### Respuesta de Mr. Bacon

“Os agradezco cordialmente, señor Ministro, vuestra bienvenida y la oportunidad que me habéis proporcionado de encontrar aquí a paisanos nuestros en unión armoniosa con tan distinguido grupo de ciudadanos del Uruguay. Recibid, Excelencias, el testimonio de mi agradecimiento sincero por vuestro cariñoso recibimiento y las finas atenciones que nos habéis prodigado a mí y a mi familia. En los Estados Unidos de Norte América, sabemos muy bien que es cierto todo lo que acaba de decir el señor Ministro en alabanza del Uruguay. Viniendo de parte de la Fundación Carnegie para la Paz Internacional, os traigo los más afectuosos saludos de su eminente presidente y vuestro cordial amigo, el Hon. Elihu Root, mi estimado maestro, a quien quiero y a quien vosotros, señores, estoy seguro, también apreciáis. Se ha hablado de mi misión como misión de amistad y de buena voluntad. Es verdad y eso me enorgullece, pero existiendo ya lazos estrechos de amistad, se puede ir más allá. De mi parte, yo preferiría



que fuese ella considerada como misión de cooperación y de concurso entre viejos amigos, para trazar las vías prácticas por las cuales podamos trabajar juntos, y marchar adelante hacia el progreso, hacia el ideal de la humanidad, siempre hacia más luz, por el triunfo del derecho en el mundo, sustituyendo el llamamiento a la fuerza por el llamamiento a la justicia; hacia una opinión internacional que será la verdadera sanción del Derecho internacional. Creemos que hay varias vías prácticas en que puede lograrse tal cooperación con poca demora, y las cuales espero explicar esta noche. Exponeros esos planes y solicitar en ellos vuestra valiosa ayuda: ése es el objeto de la misión que traigo. Me encanta ver en esta sala entrelazados los colores de nuestras banderas, las del Uruguay y de los Estados Unidos. Hago votos porque, así como los pabellones, queden eternamente entrelazados, en amistad íntima, los corazones de nuestros pueblos.

Brindo, señores, por la República del Uruguay, por su continua amistad con nuestro país, y por estas señoras que nos han honrado con su presencia."

### Discurso de Mr. Bacon

PRONUNCIADO EN LA RECEPCIÓN DADA EN EL ATENEO,  
MONTEVIDEO, 20 DE OCTUBRE DE 1913

*Señoras, Señores:*

Dispensadme si me atrevo a dirigiros la palabra en vuestro bello idioma, cuya cadencia me encanta, pero el cual lamento no conocer.

Me siento profundamente conmovido por la extraordinaria manifestación de cortesía que me habéis dado con invitarme a esta reunión, bajo los auspicios de vuestros prohombres en el mundo intelectual, en este templo de las ciencias y de las letras.

No encuentro palabras para expresar mis sentimientos de alto aprecio por las elocuentes frases de vuestro insigne orador, sabio, poeta y estadista.

En mi propio nombre, y en el del egregio caballero que me envía, el senador Elihu Root, os doy las mas expresivas gracias por vuestras amables palabras de bienvenida, por vuestra cordial recepción, y por las bondadosas expresiones dedicadas a mi humilde persona tan poco merecidas.

Es para mí un gran placer visitar, aunque sea por pocos días, demasiado cortos para mi gusto, algunos de los pueblos y de los países de la América del Sur; porque siempre ha sido uno de mis más vehementes deseos, que aun no he podido realizar más que parcialmente, ver con mis propios ojos vuestros admirables países, las maravillas de vuestra civilización, encontrarme de nuevo con amigos que he conocido y querido en otras partes del mundo, y de hacer aquí más amistades, que agregarán un nuevo encanto a la vida y de las cuales guardaré un recuerdo que no será ni borrado ni oscurecido por el tiempo ni por la distancia. Vengo encargado de un mensaje de buena voluntad de parte de vuestro amigo afectuoso, vuestro gran admirador, el Sr. Elihu Root. Es por su solicitud,

a la cual se adelantaron mis propios deseos, que tengo el honor de presentarme ante vosotros. Quisiera decirlos todo lo que él mismo os diría, si estuviera aquí presente, si, tomando la palabra, os dirigiera el saludo de su antigua amistad; las expresiones diferirían, quizás, pero el espíritu que las animaría, os aseguro, sería absolutamente el mismo.

Quisiera que me considerarais como inaugurando una serie de visitas internacionales que se seguirán, sin interrupción y serán de mutua ventaja para nosotros, poniendo en relaciones a los representantes autorizados de la sociedad y del mundo intelectual del sur con aquellos del norte. Os invito también a cooperar en el establecimiento de instituciones internacionales que esperamos lleguen a ser centros de buena voluntad, que desarrollarán y popularizarán principios justos y progresivos de Derecho internacional—de los cuales tiene que depender la paz internacional—y que, en distintas maneras, directa e indirectamente, por un intercambio de pensamientos y de ideas y por una combinación feliz de esfuerzos, tendrán por resultado el fortalecer los lazos de amistad que indican y requieren un pasado común, instituciones comunes y un fin común.

La historia y la naturaleza han hecho nacer y crecer un sentimiento profundo de solidaridad, no solamente entre los Estados de la América Latina, sino también entre las Repúblicas del Sur y los Estados Unidos. Es necesario mantener y fortalecer esta solidaridad, la cual, atendiendo a su doble origen, une indisolublemente las naciones del Nuevo Continente, en el pasado, en el presente y en el porvenir.

Es suficiente contemplar la historia política del Nuevo Mundo para ver el interés constante que se han tomado los Estados Unidos en la lucha emprendida por los Estados de la América Latina, primero para desligarse de la metrópoli, y luego para defender la independencia conquistada contra toda tentativa de conquista de parte de las potencias europeas. Es suficiente también recordar que después de la emancipación, los Estados Unidos han proporcionado a los Estados latinos las formas y las bases de sus instituciones políticas, notablemente de su régimen republicano y democrático, en una época cuando las viejas instituciones de Europa estaban lejos de responder a las ideas de la libertad y a las condiciones sociales de las dos Américas.

Todo este pasado de gloria en la historia del Nuevo Mundo debe fortalecer de día en día los vínculos indestructibles de solidaridad que han unido las naciones americanas desde su nacimiento a la vida política.

La naturaleza consolida todavía más la obra de la historia. La situación continental de los Estados del Nuevo Mundo ha hecho nacer una serie de problemas comunes a todos los Estados de este continente, creando así entre ellos nuevos vínculos de solidaridad. Gracias al progreso de la civilización y al perfeccionamiento de los medios de comunicación, se ha comprendido, en nuestros días, la imperiosa necesidad de resolver con uniformidad los problemas nacidos de las situaciones y condiciones especiales del Nuevo Continente.

Adelantándose de algún modo a Europa, donde las grandes potencias no se reunían sino después de guerras y para determinar las condiciones de la paz, todos los Estados de la América se han reunido en conferencias pacíficas para tratar cuestiones comunes a todo su continente; de donde viene el nombre y el origen de las Conferencias Panamericanas. Estas conferencias han sido fructuosísimas: se han estudiado un número determinado de problemas de interés americano y se han firmado convenciones importantes con el objeto de desarrollar la vida social e intelectual del Nuevo Mundo. Además, los representantes de los diversos Estados americanos han llegado así a conocerse mejor y han podido darse cuenta de la multiplicidad e importancia de los vínculos que unen a todos los Estados americanos.

Los sentimientos de solidaridad y de fraternidad que agrupan en una unión de intereses los Estados del Nuevo Mundo, deben producir una obra de unión y de concordia. Ya se ha abierto camino, se han obtenido numerosos y fértiles resultados; es necesario, pues, seguir adelante y realizar más y más la buena inteligencia y la armonía. Es preciso, sobre todo, disipar el concepto erróneo que parece existir todavía en algunas partes del Sur respecto a la política de los Estados Unidos. Como lo declaró solemnemente mi ilustre maestro el señor Root nuestro país desea ante todo, que la paz y la prosperidad reinen en la América Latina, a fin de fortalecer y estrechar los vínculos de amistad y de fraternidad que deben unir a todos los pueblos americanos.

Tengo el honor de dirigirme a vosotros no meramente en mi propio nombre, sino en representación de la Fundación Carnegie para la Paz Internacional, de la cual es presidente el Sr. Root, y de invitaros en su nombre y en el de los Síndicos de la Fundación, a cooperar con ésta por todos los medios que creáis posibles y convenientes.

En otras palabras, el deseo del Sr. Root es el de conseguir en cuanto sea posible el interés y la simpatía de los directores de la opinión en Sur América, en las diversas empresas para el mejoramiento de las relaciones internacionales que la Fundación trata de promover, de modo que puedan prestar su concurso en forma práctica, en la obra emprendida.

La estimación y la amistad que los Síndicos de la Fundación abrigan por los pueblos de la América Latina y por numerosos distinguidos latinoamericanos, con los cuales llevan relaciones agradables de amistad personal, les hacen desear que el trabajo de la Fundación pueda recibir la misma cooperación activa y útil en Sur América que ya ha obtenido en Europa.

Me permitiré explicar brevemente el trabajo de la Fundación, y referirme a algunos proyectos prácticos en los cuales el señor Root y sus asociados solicitan especialmente vuestra cooperación.

Lamento encontrarme obligado a limitarme a los detalles escuetos y poco interesantes en este momento en que, bajo el encanto, bajo la inspiración de la amable benevolencia de vuestra acogida y de vuestra deliciosa hospitalidad, en este ambiente de libertad, consagrada por tantas luchas, por tantos héroes, querría

hablar y volver a hablar de nuestros ideales, de nuestras esperanzas de las visiones soñadas por vuestro Artigas y nuestro Wáshington. Porque me siento orgulloso, señor, de compartir vuestro optimismo, y estoy íntimamente convencido de que, a pesar de las nubes acumuladas por la desconfianza y el escepticismo, estamos en vísperas de un gran movimiento progresivo en la evolución del liberalismo del mundo, y que ya podemos ver apuntar la aurora de un día más puro.

Los principios, la filosofía de la vida del siglo pasado no nos bastarán ya. Necesitaremos nuevas leyes de economía política, nuevos principios de Derecho internacional.

El trabajo de la Fundación se encuentra repartido en tres divisiones:\*

La División de Relaciones y Educación.

La División de Economía Política e Historia.

La División de Derecho Internacional.

Para ayudar a la primera División, el director de la misma, doctor Butler, formó un Comité Consultivo de hombres de estado y publicistas europeos, y un cuerpo de corresponsales.

Nos hemos preguntado si sería grato a los "leaders" del pensamiento en la América Latina crear un organismo algo parecido al Comité Consultivo general que ya se ha formado en Europa.

La División ha inaugurado las visitas de hombres eminentes, y un intercambio de profesores con el Japón. Espero, por mi parte, obtener en la América del Sur opiniones y datos que nos permitan empezar, próximamente, el intercambio de profesores y estudiantes con la América Latina.

Bien quisiera la Fundación que el intercambio empezase inmediatamente con el envío anual de dos sabios eminentes, o publicistas de la América del Sur a los Estados Unidos, y dos americanos del norte a la América del Sur. Cada uno de estos señores dedicaría su tiempo a dos instituciones establecidas en el continente que visitara.

Una de las tareas a que esta División da mucha importancia es la relativa al establecimiento de asociaciones para la conciliación internacional en el mundo entero.

Hace algunos años, la asociación madre fué formada en París por el señor Barón d'Estournelles de Constant. Existen ramales en los Estados Unidos, Alemania é Inglaterra, y se están formando otras.

Mis instrucciones me encargan apelar al concurso de las personas interesadas en los países que tengo el honor de visitar, de organizar ramales de la Conciliación Internacional, en relación con la sociedad madre en París. Esas asociaciones, aunque locales, tienen, sin embargo, una misión internacional, y se proponen crear, mediante sus reuniones y los útiles folletos que regularmente publican, sentimientos amistosos hacia los pueblos de los países extranjeros.

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\*NOTA.—Véase la nota en la página III.

“La Asociación para la Conciliación Internacional,” dice el Barón l’Estournelles de Constant, “no es una asociación sentimental, humanitaria; significa un progreso real, perseguido en el interés nacional de cada país, particularmente de los países jóvenes que tienen necesidad de consagrar todas sus fuerzas y sus recursos a su desarrollo.

La Conciliación es el indispensable complemento moderno del esfuerzo económico de todo país civilizado. ¡Desarrollar la prosperidad nacional al amparo de las buenas relaciones internacionales; ése es nuestro empeño, resumido en nuestra divisa: *Pro patria per orbis concordiam*.

Organizad el arbitraje de preferencia a la guerra; pero preferid siempre la conciliación al arbitraje. Tal es nuestra concepción, nuestra norma de vida.

La guerra antes que la servidumbre.

El arbitraje antes que la guerra.

La conciliación antes que el arbitraje.

El arbitraje repara; la conciliación evita.

La conciliación reemplaza la estéril ruina de los antagonismos con el fecundo espíritu de la cooperación.”

La Fundación está dispuesta a tomar a su cargo los gastos originados por la organización de esas sociedades.

Me ocuparé ahora en la labor de la División de Economía Política y de Historia.

La tarea de esta División es: “Alentar investigaciones y estudios científicos y profundos sobre las causas de la guerra, y sobre los medios prácticos de prevenirla y evitarla.”

Hace dos años se organizó en Berna, Suiza, una Conferencia a la cual se invitó a economistas y publicistas distinguidos de toda Europa, para que examinaran las cuestiones susceptibles de ser debida y prácticamente estudiadas, y elaborar un programa de ensayo para la División.

Ya se ha asignado un gran número de temas a especialistas elegidos en los países a los cuales se contrae su tarea; algunos estudios están ya terminados y dentro de algunos años la Fundación habrá publicado una serie de folletos notables sobre todas las fases del programa y que serán en el lenguaje del señor Root “useful to mankind.”

El señor professor Kinley, un viejo y sincero amigo de la América Latina, que representó a los Estados Unidos en el Cuarto Congreso Panamericano en Buenos Aires, ha sido nombrado miembro de la Comisión de Investigaciones y se consagrará más especialmente a los problemas que interesan a la América Latina. Ha resuelto visitar la América Latina el año próximo para cambiar ideas con los directores de la opinión, a fin de conocer su juicio y si es posible asegurarse su concurso para proponer y ejecutar los proyectos que pudieran recomendarle.

La tercera División es la de Derecho Internacional.

Esta División, como las otras, ha considerado necesario crear una organización especial y asegurar los servicios de un cuerpo de abogados consejeros.

El Instituto de Derecho Internacional se compone—apenas hay necesidad de decirlo—de los más eminentes juristas de todas las naciones, y la Fundación ha pedido al Instituto, que asuma el carácter de consejero de la División de Derecho Internacional.

El Instituto aceptó el cargo y eligió una comisión que ha ejercido sus funciones como consejera del director.

La División prepara varias obras. La primera es una colección, destinada a la publicación de todos los tratados generales y especiales de arbitraje, y en lo que se refiere particularmente al siglo diecinueve, la Fundación quedará muy agradecida a los publicistas de la América Latina que quieran enviarle noticias sobre ciertas cuestiones que conocen y que acaso son los únicos en reconocer, y los directores de la Fundación apreciarán como un señalado favor, de parte de los gobiernos de la América Latina, si éstos consienten en darles copias de esos tratados, siendo en verdad difícil procurarse textos auténticos y fidedignos. Todos los ejemplos conocidos de arbitraje internacional serán coleccionados y publicados con una noticia crítica.

El Instituto de Derecho Internacional que desempeña ahora el papel de consejero de la División Internacional fué creado en Europa en mil ochocientos-setentitrés, y aunque este Instituto representa la “conciencia jurídica internacional” varios juristas han sentido la necesidad de una institución que fuera la representante de la conciencia jurídica de América, y que estudiara los problemas que más particularmente interesan al Nuevo Mundo, y encarara, desde un punto de vista americano, las cuestiones generales del Derecho de gentes.

Como sabéis, el doctor Alejandro Alvarez, de Chile, y el Dr. James Brown Scott, director de la División de Derecho Internacional de la Fundación, establecieron hace un año un Instituto Americano de Derecho Internacional. Este Instituto se propone formar sociedades nacionales de Derecho internacional en los países panamericanos, afiliados a él y que trabajen por estudiar los problemas americanos, hacer conocer sus principios, y contribuir a las relaciones pacíficas de los países.

Por temor de pareceros exagerado cuando os hablo de los fines y propósitos del Instituto Americano de Derecho Internacional cuyo presidente honorario es el Sr. Elihu Root, séame permitido citaros un pasaje de un erudito holandés, profesor de Derecho internacional, a quien se puede suponer que trata esta cuestión con desinterés.

Después de haber hablado del gran ejemplo que ha dado la América al mundo, procurando la codificación del Derecho internacional, dice:

“Un Instituto esencialmente científico, mas apenas inferior en valor moral, nos proporciona el segundo ejemplo. Este Instituto tiene por fin: Primero, contribuir al desarrollo del Derecho internacional; segundo, consolidar el sentimiento común de una justicia internacional; tercero, hacer aceptar en todas partes la acción pacífica en el arreglo de las controversias internacionales entre los Estados Americanos. Esta idea luminosa nació de la convicción de que vale

más propagar las nociones del derecho y de la justicia por medio de una infusión lenta pero constante en los cerebros y los corazones de los pueblos que por medio de negociaciones diplomáticas que no descansan sobre un sentimiento popular general.

“Si se tiene en cuenta que el movimiento pacifista es más universal en América que en otras partes, que descansa, ya sobre un fondo religioso, ya sobre una comunión de intereses o de tendencias laudables, se podrá apreciar este nuevo indicio de un progreso vigoroso que nos llega de allende el oceano, y que reanima nuestras esperanzas y redobla nuestros esfuerzos.”

El Sr. Root y sus colegas dan la mayor importancia a la fundación y el buen funcionamiento del Instituto Americano de Derecho Internacional y de sus sociedades afiliadas en todos los países de América.

La Fundación pasa actualmente al Instituto antiguo, fundado en Europa, un subsidio destinado a cubrir los gastos de viaje de sus miembros, los gastos de las comisiones y la publicación de sus trabajos. El nuevo Instituto puede contar con que recibirá de la Fundación, en cuanto se hayan constituido definitivamente las sociedades nacionales, una ayuda pecuniaria, y que estará en un pie de igualdad con el antiguo Instituto. La Revista Americana de Derecho Internacional que con algunas ligeras modificaciones podría convertirse en órgano del Instituto Americano, recibe ya un subsidio anual de la Fundación.

Otra institución por la cual la División de Derecho Internacional se interesa mucho y a la cual subvencionaría y mantendría es la Academia de Derecho Internacional que se proyecta establecer en La Haya.

En la Segunda Conferencia de la Paz, en La Haya, se presentó una moción, a fin de crear esa Academia. No se tomó entonces ningún acuerdo, pero la idea se ha impuesto por los publicistas de todos los países. Un comité de publicistas holandeses, presidido por el Sr. Asser, cuyo reciente fallecimiento lamentamos, tomó la iniciativa de crear y de instalar esa Academia en el Palacio de la Paz, de La Haya.

La proposición del señor Asser tiene en vista la enseñanza sistemática, del Derecho internacional y de las materias correlativas por medio de una Facultad constituida al efecto y cuyos profesores, elegidos entre los publicistas de diferentes países, se turnarían. Se darían cursos y conferencias sobre asuntos importantes y oportunos por publicistas que, aparte de un amplio conocimiento teórico, hayan adquirido una larga experiencia en la práctica del Derecho internacional.

Propuso también el señor Asser interesar a los gobiernos, invitándolos a designar, funcionarios competentes de los diversos departamentos ministeriales que seguirían los cursos.

La institución sería única por su pequeña facultad variable, única por su cuerpo de estudiantes procedentes de todos los países, única por sus clases especiales.

La Academia favorecería los propósitos de la Fundación, pero no será una agencia directa ni estará bajo su control.

El Sr. Root me ha encargado que os presente el proyecto de esta Academia y que solicite el concurso de todas las naciones latinoamericanas, a fin de designar uno o varios de los ciudadanos que asistan a las conferencias y a los cursos que se darán en la Academia.

Una cuestión sobre la cual debo llamaros la atención es la formación de comisiones nacionales para considerar los asuntos que podrían formar parte del programa de la próxima Conferencia de La Haya, comisiones que se pondrán en comunicación con las que se formen en todos los países americanos.

Es generalmente conocido el hecho de que la Segunda Conferencia de la Paz reunida en La Haya propuso que la tercera se reuniera ocho años más tarde, lapso igual al que medió entre la primera y la segunda, de suerte que si se cumple esta proposición, la próxima Conferencia se reunirá en mil novecientos quince. Estipulóse además que uno o dos años antes de esa reunión probable se constituiría un comité preparatorio mediante un acuerdo común de las potencias.

Es evidente que los diversos países invitados deberán examinar esas cuestiones importantes antes de la constitución del comité preparatorio y parece oportuno, si no necesario, que cada gobierno nombre un comité para examinar esas cuestiones en detalle, a fin de poder presentar sus proposiciones con todo conocimiento de causa.

No es de creerse que los Estados americanos presenten a la Conferencia una serie de proyectos o de proposiciones en común, pero si los gobiernos se comunicaran sus propósitos de modo de llegar a un acuerdo sobre las cuestiones que a su juicio debían ser planteadas y que podrían ser objeto de tratados internacionales, ello facilitaría considerablemente los debates.

Son por lo tanto cinco los proyectos prácticos en los cuales solicitamos vuestro concurso:

El establecimiento en cada país de una sociedad nacional de Derecho internacional, afiliada al Instituto Americano de Derecho Internacional;

El establecimiento en cada país de una sociedad nacional de conciliación internacional, afiliada a la Asociación para la Conciliación Internacional de París;

El nombramiento de comités nacionales para estudiar asuntos que puedan discutirse en la próxima Conferencia de La Haya y la intercomunicación de tales comités entre todos los países americanos;

El intercambio de profesores y de estudiantes entre las universidades norteamericanas y las suramericanas, y visitas de hombres prominentes;

La participación de los gobiernos americanos en la proyectada Academia de Derecho Internacional en La Haya, enviando cada gobierno uno o más estudiantes representativos para asistir a los cursos.

Para terminar séame permitido citar un párrafo de las instrucciones que me ha dado el señor Elihu Root:—



“Los Síndicos de la Fundación comprenden bien que el progreso en la obra que han emprendido debe necesariamente ser lento y que sus resultados más substanciales se obtendrán en el lejano porvenir. Estamos tratando con aptitudes e impulsos firmemente establecidos en la naturaleza humana a través del desarrollo de miles de años, y lo más que una generación puede esperar es fomentar el cambio gradual en las normas de conducta. Cualquier cálculo de tal obra y sus resultados debe hacerse no en términos de la vida humana individual, sino en términos de la vida larga de las naciones. Aunque los resultados inmediatos no sean conspicuos, no puede haber ningún objeto más noble en el esfuerzo humano que el ejercicio de una influencia sobre las tendencias de la raza, de modo que se mueva, aunque sea muy lentamente, en la dirección de la civilización y la humanidad y en dirección opuesta a la brutalidad sin sentido. Es para participar con nosotros en esta obra noble aunque inconspicua, que le rogamos invite a nuestros amigos en Sur América con las seguridades más sinceras y sin reservas de nuestra distinguida consideración y afectuosa estimación.”

Excelentísimos señores y señoras: Antes de terminar quiero daros una vez más las gracias por el gran honor que me ha sido dispensado, y expresaros mi profunda gratitud por vuestra amable y simpática acogida.

#### Discurso del Sr. Barbaroux, Ministro de Relaciones Exteriores,

PRONUNCIADO EN EL BANQUETE DADO POR DICHO SEÑOR, A MR. BACON EN EL CLUB URUGUAY,  
MONTEVIDEO, 21 DE OCTUBRE DE 1913

*Señor Bacon:*

En vuestra conferencia de anoche, habéis sintetizado los propósitos de vuestra misión, diciéndonos que donde surge una nación, surge un derecho, y que en todos los casos de desinteligencia entre las naciones, la conciliación debe colocarse antes que el arbitraje, y el arbitraje antes que la guerra.

Por más que la realidad de los hechos mantenga todavía en un plano de idealidad el pensamiento de suprimir las soluciones de violencia entre los pueblos, todo esfuerzo serio, realizado en ese sentido, debe merecer nuestra aprobación y nuestra simpatía.

Ellas os han sido otorgadas ya, en forma bien elocuente, por los hombres más representativos de nuestro ambiente intelectual, y al ofreceros esta noche, en nombre del Gobierno, esta demostración de amistosa despedida, yo hago votos muy sinceros, por que los propósitos cuya propaganda os ha confiado, con todo acierto, el eminente señor Root, puedan obtener, en un futuro bien cercano, el éxito que merece esa grande iniciativa de confraternidad internacional.

Os ruego, señoras y señores, que me acompañéis en este voto, y en la expresión de nuestros mejores deseos por la felicidad del señor Bacon, la de su distinguida familia y la de sus dignos acompañantes.

### Respuesta de Mr. Bacon

*Excelencias, Señoras, Señores, Señor Ministro:*

Os doy las más expresivas gracias, por las amables frases que habéis pronunciado en mi obsequio, por vuestras bondadosas expresiones referentes a mi querida patria, y por esta hermosa fiesta. También deseo reiterar mi profundo agradecimiento por la cordial recepción que me habéis dispensado vos, señor Ministro, y vuestros conciudadanos, con la finura y generosa hospitalidad proverbial de la hidalga raza castellana, que tan pura se ha conservado en la hermosa tierra uruguaya.

Nosotros los americanos del norte nos sentimos orgullosos de nuestras progresistas hermanas del Sur. Entre éstas, se destaca a nuestros ojos, la noble y simpática República del Uruguay, tanto por la cultura de su pueblo, la virilidad y energía de su raza, como por el progreso que ha alcanzado. Abrigamos los más cordiales deseos por vuestra prosperidad. Muy contentos de que las relaciones del pasado den prestigio a nuestro continente y de que nuestras relaciones actuales sean armoniosas, alentamos la esperanza de que esta buena amistad no sólo se perpetúe, sino que se afiance y cobre fuerzas en el porvenir, y que cada año que pase nuestras relaciones lleguen a ser más íntimas, más estrechas, y más fraternales.

Las nobles palabras que pronunció el señor Root en el mil novecientos seis, en el Congreso Pan Americano, siguen representando hoy los sentimientos, los ideales, del pueblo de los Estados Unidos con la misma verdad, con la misma fuerza, que tenían hace siete años. Me gusta considerar sus memorables declaraciones como la doctrina Root—y me sentiría orgulloso de considerarme digno de hablar de ella, como humilde apóstol.

Es la creencia de los Síndicos de la Fundación Carnegie que los ideales de los directores del pensamiento pueden realizarse más pronto, y el mundo se beneficiaría más eficazmente, por un esfuerzo unido en ciertas definidas y prácticas empresas.

Si os asociáis con nosotros en esta obra de unión intelectual y de concordia, si los países latinos de América y los Estados Unidos se unen en un continuo esfuerzo en pro del mejoramiento de las relaciones entre las naciones, si todos los países de nuestro hemisferio trabajan al unísono hacia un ideal común, entonces se creará una poderosa fuerza por el bien, que no podrá dejar de beneficiar tanto a nuestro continente como al mundo entero, y a la humanidad.

Una vez más, Excelencia, os doy las gracias de todo corazón. Aunque a pesar mío sólo he podido permanecer aquí tan corto tiempo, el adelanto de vuestra país y la cordialidad de vuestra bienvenida, me han hecho una impresión que recordaré siempre. Al dejar esta linda ciudad, os diría, si lo permitís, que llevo afectos personales, y desearía que mi despedida no fuera de “adiós”, sino de “hasta la vista”.

Brindo por el señor Presidente de la República Oriental del Uruguay.

## APÉNDICE V

### *Chile*

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#### Recepción en la Universidad de Chile

DISCURSO DEL RECTOR DE LA UNIVERSIDAD, DR. DOMINGO AMUNÁTEGUI SOLAR, PRONUNCIADO  
EN EL MOMENTO DE ENTREGAR UN TÍTULO A MR. BACON,

SANTIAGO, 25 DE OCTUBRE DE 1913

La Universidad de Chile se congratula en recibir al honorable señor Bacon, y se honra con acogerlo en su seno, en calidad de miembro honorario de la Facultad de Leyes y Ciencias Políticas.

Os entrego, respetado señor, este diploma, que, espero, ha de servirnos de lazo de amistad con la Universidad a que pertenecéis; como señal de reconocimiento por vuestros méritos personales; y en homenaje a la Fundación Carnegie, de que sois digno representante.

Discurso del Dr. Luís Barros Borgoño, Decano de la Facultad de Filosofía y Humanidades, Universidad de Chile,

SANTIAGO, 25 DE OCTUBRE DE 1913

*Señoras y Señores:*

Cumplo el honroso encargo que me ha confiado el Consejo de Instrucción Pública de dar, en nombre de la Universidad de Chile, la salutación de bienvenida al ilustre estadista americano Mr. Robert Bacon, ex-Secretario de Estado de la Gran República, Antiguo Embajador de su patria en París y miembro prominente de la Universidad de Harvard, noble emisario de la política de conciliación internacional, apóstol de la paz y poderoso propulsor de la felicidad y del bienestar de los pueblos.

Estoy cierto de que sobre todas sus honrosas distinciones, que son muchas, y sobre todas las grandes funciones oficiales que ha ejercido, ninguna habrá de ser más preciada para el grande y vigoroso espíritu de Mr. Bacon, y ninguna ha de contribuir a dar más pura aureola a su brillante personalidad como la que hoy desempeña en representación de la Institución llamada a esparcir mayores beneficios entre todos los pueblos cultos y que con legítima satisfacción puede exhibir la patria de Carnegie como la obra humana que en época alguna de la historia se haya concebido en mayor honra de la civilización.

El ideal de una política solidaria internacional soñado por filósofos y poetas, recibe ya de los hombres de estado de las grandes naciones la mas hermosa consagración.

El pensamiento que por primera vez en 1814 esboza el espíritu religioso de los cuáqueros de América para la formación de una Sociedad de la paz, encuentra ambiente propicio en aquel gran centro de ebullición de las ideas, como lo fué la Francia en 1848.

En medio de aquel aliento romántico de regeneración universal, en medio de todos aquellos sistemas económicos y sociales que bullen sacudidos por un espíritu nuevo, con fe en los principios de solidaridad general, nos muestra París el primer Congreso de la Paz verdaderamente internacional.

Es la época en que Cobden, el apóstol de la libertad comercial, sacude con su poderosa intelectualidad todo el régimen económico de la Inglaterra, armonizando los intereses de su patria con los grandes intereses de la humanidad.

Es la época en que el espíritu profético de Victor Hugo sabe presentir una humanidad, regida únicamente por las leyes de la equidad y de la justicia.

El poeta anuncia, como un ensueño, la obra a que Mr. Carnegie, este gran obrero de la humanidad, habrá de consagrar en nuestros días sus energías de titán.

Día vendrá, decía Hugo, en una de sus mas hermosas alocuciones, en que no habrá más campos de batalla que los mercados abiertos al comercio, a las inteligencias y a las ideas. Día vendrá en que el venerable arbitraje de un gran Senado soberano será para la Europa lo que el Parlamento es para Inglaterra, lo que la Dieta es para Alemania, lo que la Asamblea Legislativa es para Francia.

La segunda mitad del siglo XIX está marcada por las Ligas de la Paz, en París y en Ginebra, las que con su eficaz apostolado se han difundido en centenares de agrupaciones, generales y locales, por la Oficina Internacional de Berna, por el Instituto de Derecho Internacional y por las numerosas agrupaciones pacifistas que, bajo las enseñas gloriosas de Lemonier, de Passy, de Simon y de Estournal de Constant, recorren hoy el mundo en triunfal ascensión hacia la meta señalada a sus esfuerzos gigantescos.

Las grandes capitales resuenan cada año con las voces de los hombres más representativos de las diversas naciones que van sentando grado por grado la obra de acercamiento, sólido y efectivo, entre los pueblos.

Reunidos por primera vez en París en 1889, bajo la presidencia de Jules Simón, tomaron parte en esa Conferencia miembros de los Parlamentos inglés, español, belga, alemán, francés, italiano, danés, griego y húngaro.

No era aquello, como en los Congresos de la Paz, una reunión de hombres de elevado espíritu pacifista pero desprovistos de autoridad; era el cenáculo de hombres de gobierno, de parlamentarios en ejercicio que se congregaban solemnemente y se comprometían a cooperar en sus respectivos Congresos a la realización del programa de paz y del arbitraje.

De año en año esa Conferencia viene funcionando con éxito extraordinario en París, en Londres, en Roma, en Berna, en La Haya, en Budapest, en Bruselas, en Milán, en Mónaco y en Lucerna, y al terminor el siglo esa Unión Interparlamentaria contaba ya con mil quinientos miembros consagrados eficazmente al triunfo de la más hermosa divisa bajo la cual pueden agruparse los hombres: *justitia e pace*, por la justicia y por la paz.

La visita de los parlamentarios escandinavos a Francia y la de retorno de los políticos franceses, abre un período de positiva inteligencia entre los pueblos.

Y esta labor recibe su más benéfica consagración en la subsiguiente visita de los parlamentarios franceses a Londres y en la devolución de ella por los políticos ingleses, acercamiento trascendental y que ha producido la entente cordial de esas grandes naciones, en la cual hoy reposa la paz del mundo.

Fresca está en América y entre nosotros ha marcado un momento de verdadera orientación en la política internacional de la República la visita de Mr. Root, que dejó abierto el surco y echada la semilla de donde ha jermidado lozana y vigorosa la mies que ha de alimentar la vida de recíproca inteligencia y de solidaridad internacional entre la Gran República del Norte y los diversos pueblos de la América Latina.

Pero, el esfuerzo culminante de los tiempos contemporáneos por la causa de la paz lo constituye la Conferencia de La Haya.

El advenimiento de esa gran revolución pacífica ha dejado trazada al nuevo siglo la tarea fecunda de proveer a la conservación de la paz como el fin de la política internacional de todas las naciones civilizadas.

Para los pueblos americanos se desprenden de aquella augusta asamblea dos resultados morales de la más trascendental importancia.

Es el primero, la manifestación expresa del anhelo mundial de que la paz reine entre los pueblos civilizados.

Y es el segundo, la posibilidad material y moral, siempre creciente, de acudir y utilizar en todo momento al arbitraje.

Si no han podido suprimirse las guerras, en cambio se han disminuido sus probabilidades y, en parte, se han atenuado sus rigores.

La obra realizada importa, ciertamente, grandes conquistas para el imperio del derecho, acredita que el amor a la justicia domina en el ambiente de las relaciones internacionales y justifica la confianza en la opinión de que ha pasado la era del capricho y de la violencia y de que las leyes, la equidad y los intereses de la humanidad y de la civilización aseguran cada día más su autoridad sobre la faz de la tierra.

La Conferencia no pudo dar forma a la idea fundamental propuesta de limitar los armamentos; pero, ha logrado realizar la constitución de un Tribunal Jurídico de Arbitraje.

Quedó creada la Institución: ella tiene hoy su Presidente, sus miembros, su palacio, su periódico y su presupuesto.

Esta corporación está oficialmente reconocida como Tribunal por todos los Estados civilizados.

El nuevo derecho queda solemnemente reconocido, y establecido y queda, igualmente, consagrada la sustitución de los recursos de la fuerza por los procedimientos jurídicos.

Ha correspondido a la munificencia de Mr. Carnegie dotar a ese Tribunal de un palacio digno de su alta misión.

“Allí es donde ha de reunirse, ha dicho Mr. Carnegie, el cónclave más divino que en época alguna ha honrado a la humanidad”.

El templo, como lo designa su fundador, acaba de ser inaugurado solemnemente. Esa ceremonia tuvo lugar el 28 de agosto de 1913 ante la Reina, soberana de Holanda, todos los miembros de su gobierno y de los representantes de todas las potencias signatarias de la Conferencia de La Haya.

Aquel acto augusto, único en su clase, revistió caracteres especiales. Fué grave, austero, se halló exento de todo aparato militar; sólo las campanas se encargaron de anunciar al mundo que el reloj del Palacio de la Paz había comenzado a moverse en la esfera que habrá de marcar la hora de la paz eterna. Así lo expresó el Ministro de Relaciones Exteriores de la Holanda, no sin el temor de que ese momento estuviese aún lejano.

El otro discurso de esa memorable ceremonia fué pronunciado por Mr. Van Karnebeek, Presidente de la Fundación Carnegie.

La obra encargada al Congreso de La Haya, con ser como es, de tan alta significación, no alcanza, sin embargo, a llenar el programa de la Fundación Carnegie, de más vastas y variadas proyecciones.

Como propósito cardinal, esa Institución se propone sostener organismos diversos dirigidos todos ellos a dar forma material al acercamiento entre los diversos países, a hacer efectivo el conocimiento recíproco de los pueblos amigos y a multiplicar los vínculos amistosos y de concordia entre las grandes naciones del globo.

Para estos fines, cuenta con Departamentos de educación y de intercambio de producciones intelectuales, de profesores y de estudiantes; tiene constituido un Departamento de estudios económicos e históricos, y sostiene, con solícito cuidado, su dependencia de Derecho internacional y la Academia especial de este ramo de los conocimientos humanos, establecida en La Haya bajo los auspicios de los países signatarios de la Conferencia.

Estos diversos puntos del hermoso y vasto programa de la Fundación Carnegie son de la mayor importancia para todos los pueblos civilizados, y hasta hoy permanecen desconocidos y sin utilización alguna para los pueblos latinos de la América, a pesar de que estarían llamados a aprovecharse de sus beneficios.

A hacer conocer y apreciar esa laudable obra y a mover la opinión de estos países y la acción de sus hombres públicos en favor de la noble cruzada, obedece la misión que hoy nos visita y que la sociedad chilena recibe con la complacencia de los más faustos acontecimientos.

Si algunos de los fines que persigue la Fundación Carnegie requieren la simpatía y el apoyo de los gobiernos, son muchos los que demandan especialmente la cooperación de los hombres de ciencia, de los profesores y especialistas en Derecho internacional, y de los catedráticos de historia y de ciencias económicas.

Por ello nuestra Universidad ha asociado todo su personal docente a esta manifestación y la corporación está cierta de que, una vez impuesto el profesorado de los objetivos inmediatos de la misión, habrá de cooperar con interés a la consecución de los fines que son de su competencia.

Y al hacerlo, corresponde dentro de su esfera a la política internacional que ha sido tradicional en la República.

Chile tiene la honra de figurar en cuarto lugar entre los países que han acudido al arbitraje durante el siglo XIX.

La estadística anota, en primer lugar, a la Gran Bretaña, con 86 pactos de arbitraje; en segundo lugar, a Estados Unidos, con 66; en tercer lugar a Francia, con 38 y, en seguida, a Chile, con 28 tratados de arbitraje.

Pero, la obra más adelantada en esta materia es la realizada por Chile y la Argentina, al ajustar el tratado de 28 de mayo de 1902 y establecer allí, con el arbitraje amplio, la limitación de sus armamentos, punto este último que ha sido uno de los objetivos infructuosamente perseguidos hasta ahora por la Conferencia de La Haya.

Y estas circunstancias no han pasado, por cierto, desapercibidas.

En su célebre alocución por el arbitraje, dirigida a los alumnos de la Universidad de San Andrés, Mr. Carnegie ha señalado este tratado como uno de los más adelantados en la realización de los principios del programa que sustenta la Fundación.

“El paso más grande dado en este sentido,” dice Mr. Carnegie, “se manifiesta en los tratados que se han celebrado entre Dinamarca y Holanda, Chile y la Argentina, poniéndose de acuerdo para someter al arbitraje todas las divergencias, sean cuales fueren, sin restricción alguna”.

Se ha sostenido que a la América correspondió en el siglo XIX la iniciativa del arbitraje y que los pueblos de este continente han mantenido y ensanchado la práctica de aquel procedimiento jurídico, sin embargo de no haber logrado todavía dar una fórmula general definitiva.

I no es difícil comprobar que entre estos países, ninguno antes que Chile y en mayor número de veces, ha estipulado ese procedimiento pacífico para solucionar sus diferencias con las demás naciones.

En uno de sus más antiguos tratados, celebrado sesenta años atrás, declaró expresamente el Gobierno de Chile que consignaba “con placer la idea del arbitraje, que ha considerado siempre como el único medio justo, legal y lógico de zanjar todas las dificultades internacionales.”

La misión de paz y de jurisdicción arbitral habrá de encontrar por esto un terreno propicio en nuestro país, el que, si en ocasiones se ha visto precisado a ocurrir a la dura necesidad de la guerra en defensa de lo que ha considerado

sus derechos, sólo ha sido después de agotar todos los recursos de la conciliación y del arbitraje.

La necesidad de un trabajo penoso que le ha correspondido a este pueblo por las condiciones especiales de su suelo, los hábitos de orden y la práctica de libres instituciones democráticas en que ha desarrollado su vida de nación, su organización social y la prosperidad de su agricultura y de su comercio, todo cuanto requiere la garantía benéfica de la paz, ha llevado al pueblo de Chile a cifrar únicamente en ella su prosperidad, su desarrollo y su bienestar.

El país ha de ser por esto un entusiasta y activo cooperador de la obra de conciliación general y de política solidaria que persigue la Fundación Carnegie.

Desde el Templo de la Paz surge la noción clara y triunfadora del nuevo derecho y los procedimientos jurídicos habrán de imponerse definitivamente a los recursos de la fuerza y de la violencia.

La obra realizada permite confiar en el triunfo no lejano de esos principios de justicia y de paz universal.

La palabra de Mr. Bacon, hoy nuestro ilustre huésped, doblemente autorizada, de una parte, por sus conocimientos especiales, su reconocida versación en todos los negocios públicos y su larga experiencia, y de la otra, por la elevada y honrosa representación de que se halla investido, le permitirá exhibir el cuadro de la hermosa y benéfica tarea llevada a cabo hasta el presente y de sus anhelos y propósitos para el futuro, colocándonos, de esta suerte, en condiciones de preparar los elementos que será menester acopiar a fin de que la obra de la Fundación Carnegie quede sólidamente asentada en nuestro territorio.—

### Discurso de Mr. Bacon

*Excelencias, Señor Rector, Señor Decano, Señoras, Señores:*

Dispensadme si me atrevo a dirigiros la palabra en vuestro bello idioma, cuya cadencia me encanta, pero el cual lamento no conocer.

Me siento profundamente conmovido al hallarme en esta reunión, bajo los auspicios de vuestros prohombres en el mundo intelectual, en este templo de las ciencias y de las letras.

Entre los muchos deberes que reclaman de mí, grata correspondencia desde el momento de mi llegada a esta hospitalaria y hermosa tierra, es uno de los más elevados y más atrayentes el agradecer a la Universidad del Estado el honor que me discierne al otorgarme el título de miembro de su Facultad de Leyes y Ciencias Políticas.

Conozco las tradiciones realmente gloriosas que en el orden intelectual han hecho de la Universidad de Chile desde mediados del siglo pasado uno de los centros más potentes de cultura en el continente suramericano. En este momento sólo citaré a dos de entre los varios rectores ilustres que la opinión universal ha inscrito en el registro de los sabios eminentes, a Bello, internacionalista, codificador y literato, a Domeyko, naturalista.



Aprecio, pues, en todo su valor la honra con que me distinguen la Universidad de Chile y su digno Rector, y la agradeceré mientras viva.

En mi propio nombre y en el del egregio caballero que me envía, el Senador Elihu Root, os doy las más expresivas gracias por vuestras palabras de bienvenida, y por las bondadosas expresiones dedicadas a mi humilde persona y tan poco merecidas.

También deseo expresar aquí mi reconocimiento por la cordial recepción que me ha sido dispensada en Chile, con la finura y generosa hospitalidad proverbial de la hidalga raza castellana.

Mi visita por todos estos atractivos países de Sur América ha sido gratísima. Han desfilado ante mis ojos asombrados los panoramas divinos de este portentoso continente, valles fértiles, grandes ríos, selvas pomposas, fantásticas cordilleras, lagos serenos de aguas cristalinas, rápidos torrentes que van cantando el himno augusto de la libertad. Todo esto ha aumentado mi respeto y admiración por los pueblos nuevos, las nuevas razas, que marcarán nuevos horizontes al género humano en el brillante porvenir de América.

La impresión que recibí al entrar ayer en vuestro país no se borrará jamás de mi memoria. El pueblo chileno debe sentir su corazón henchido del legítimo orgullo de ser dueño de tan magestuoso país. La maravilla de vuestras montañas, cuyos resplandores, perfumes y armonías son el alma de esta tierra, deja mudo de admiración al que las contempla. El poeta Wordsworth ha dicho que la voz de la libertad se oye mejor en las montañas y en el mar. Es Chile, pues, la tierra donde puede oirse vibrar más potente la hermosa voz de la libertad.

Vengo encargado, señores, de un mensaje de buena voluntad de vuestro sincero amigo, el señor Elihu Root. A petición suya, anticipada por mi propio deseo, tengo el honor de presentarme ante vosotros. Quisiera deciros todo lo que él mismo os diría si estuviere presente, si, tomando la palabra, os dirigiera el saludo de su antigua amistad. Las expresiones diferirán, quizás, pero el espíritu que las anima, os aseguro será absolutamente el mismo.

Os invito a cooperar en el establecimiento de instituciones internacionales que esperamos lleguen a ser centros de buena voluntad, que desarrollarán y popularizarán principios justos y progresivos de Derecho internacional que, en distintas maneras directa e indirectamente, por un intercambio de pensamientos e ideas y por una combinación feliz de esfuerzos, tendrán por resultado el fortalecer los lazos de amistad que indican y requieren un pasado común, instituciones comunes y un fin común.

La historia y la naturaleza han hecho nacer y crecer un sentimiento profundo de solidaridad, no solamente entre los Estados de la América Latina, sino también entre las Repúblicas del Sur y los Estados Unidos. Es necesario mantener y fortalecer esta solidaridad, la cual, atendiendo a su doble origen, une indisolublemente las naciones del Nuevo Continente, en el pasado, en el presente y en el porvenir.

Es suficiente contemplar la historia política del Nuevo Mundo para ver el

interés constante que se han tomado los Estados Unidos en la lucha emprendida por los Estados de la América Latina, primero para desligarse de la metrópoli, y luego para defender la independencia conquistada contra toda tentativa de conquista de parte de las potencias europeas.

Es suficiente también recordar que después de la emancipación, los Estados Unidos han proporcionado a los Estados latinos las formas y las bases de sus instituciones políticas, notablemente de su régimen republicano y democrático, en una época cuando las viejas instituciones de Europa estaban lejos de responder a las ideas de la libertad y a las condiciones sociales de las dos Américas.

Todo este pasado de gloria en la historia del Nuevo Mundo debe fortalecer de día en día los vínculos indestructibles de solidaridad que han unido las naciones americanas desde su nacimiento a la vida política.

La naturaleza consolida más todavía la obra de la historia. La situación continental de los Estados del Nuevo Mundo ha hecho nacer una serie de problemas comunes a todos los Estados de este continente, creando así entre ellos nuevos vínculos de solidaridad. Gracias al progreso de la civilización y al perfeccionamiento de los medios de comunicación, se ha comprendido, en nuestros días, la imperiosa necesidad de resolver con uniformidad los problemas nacidos de las situaciones y condiciones especiales del Nuevo Continente.

Adelantándose de algún modo a Europa, donde las grandes potencias no se reunían sino después de guerras y para determinar las condiciones de la paz, todos los Estados de la América se han reunido en conferencias pacíficas para tratar cuestiones comunes a todo su continente; de donde viene el nombre y el origen de las Conferencias Panamericanas. Estas conferencias han sido fructuosísimas: se han estudiado un número determinado de problemas de interés americano y se han firmado convenciones importantes con el objeto de desarrollar la vida social e intelectual del Nuevo Mundo. Además, los representantes de los diversos Estados americanos han llegado así a conocerse mejor y han podido darse cuenta de la multiplicidad e importancia de los vínculos que unen a todos los Estados americanos.

Los sentimientos de solidaridad y fraternidad que agrupan en una unión de intereses los Estados del Nuevo Mundo, deben producir una obra de unión intelectual y de concordia. Ya se ha abierto camino, se han obtenido numerosos y fértiles resultados; es necesario, pues, seguir adelante y realizar más y más la buena inteligencia y la armonía. Es preciso, sobre todo, disipar el concepto erróneo que parece existir todavía en algunas partes del Sur respecto a la política de los Estados Unidos. Como lo declaró solemnemente mi ilustre maestro el señor Root, nuestro país desea ante todo, que la paz y la prosperidad reinen en la América Latina, a fin de fortalecer y estrechar los vínculos de amistad y de fraternidad que deben unir a todos los pueblos americanos.

Tengo el honor de dirigirme a vosotros no meramente en mi propio nombre, sino en representación de la Fundación Carnegie, de la cual es Presidente el

señor Root, y de invitaros en su nombre y en el de los Síndicos de la Fundación, a cooperar con ésta por todos los medios que creáis posibles y convenientes.

En otras palabras, el deseo del Sr. Root es el de conseguir en cuanto sea posible el interés y la simpatía de los directores de la opinión en Sur América, en las diversas empresas para el mejoramiento de las relaciones internacionales que la Fundación trata de promover, de modo que puedan prestar su concurso en forma práctica, en la obra emprendida.

La estimación y la amistad que los Síndicos de la Fundación abrigan por los pueblos de la América Latina y por numerosos distinguidos latinoamericanos, con los cuales llevan relaciones agradables de amistad personal, les hace desear que el trabajo de la Fundación pueda recibir la misma cooperación activa y útil en Sur América que ya ha obtenido en Europa.

Correspondiendo a la bondadosa invitación del señor Decano, me permitiré explicar brevemente el trabajo de la Fundación, y referirme a algunos proyectos prácticos en los cuales el señor Root y sus asociados solicitan especialmente vuestra cooperación.

Lamento encontrarme obligado a limitarme a los detalles escuetos y poco interesantes en este momento en que, bajo el encanto, bajo la inspiración de vuestras hermosas palabras y de la amable benevolencia de vuestra acogida, en este ambiente de libertad, en esta tierra de héroes, querría hablar y volver a hablar de nuestros ideales, de nuestras esperanzas, de las visiones soñadas por los próceres de nuestras patrias.

Por que me siento orgulloso, señor, de compartir vuestro optimismo, y estoy íntimamente convencido de que, a pesar de las nubes acumuladas por la desconfianza y el escepticismo, estamos en vísperas de un gran movimiento progresivo en la evolución del liberalismo del mundo, y que ya podemos ver despuntar la aurora de un día más puro.

Los principios, la filosofía de la vida del siglo pasado no nos bastarán ya. Necesitaremos nuevas leyes de economía política, nuevos principios de Derecho internacional.\*

El trabajo de la Fundación se encuentra repartido en tres divisiones:

La División de Relaciones y Educación.

La División de Economía Política e Historia.

La División de Derecho Internacional.

Para ayudar á la primera División, el director de la misma, doctor Butler, formó un Comité Consultivo de hombres de estado y publicistas europeos, y un cuerpo de corresponsales.

Nos hemos preguntado si sería grato a los leaders del pensamiento en la América Latina crear un organismo algo parecido al Comité Consultivo general que ya se ha formado en Europa.

La División ha inaugurado las vistas de hombres eminentes, y un intercambio de profesores con el Japón. Espero, por mi parte, obtener en la Amé-

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\*NOTA.—Véase la nota en la página 111.

rica del Sur opiniones y datos que nos permitan empezar, lo más pronto posible el intercambio de profesores y estudiantes con la América Latina.

Bien quisiera la Fundación que el intercambio empezase inmediatamente con el envío anual de dos sabios eminentes, o publicistas de la América del Sur a los Estados Unidos, y dos americanos del Norte a la América del Sur. Cada uno de estos señores dedicaría su tiempo a dos instituciones establecidas en el continente que visitara.

Una de las tareas a que esta División da mucha importancia es la relativa al establecimiento de asociaciones para la conciliación internacional en el mundo entero.

Hace algunos años, la asociación madre fué formada en París por el señor Barón d'Estournelles de Constant. Existen ramales en los Estados Unidos, Alemania e Inglaterra, y se están formando otras.

Mis instrucciones me encargan apelar al concurso de las personas interesadas en los países que tengo el honor de visitar, de organizar ramales de la Conciliación Internacional, en relación con la sociedad madre en París. Esas asociaciones, aunque locales, tienen, sin embargo, una misión internacional, y se proponen crear, mediante sus reuniones y los útiles folletos que regularmente publican, sentimientos amistosos hacia los pueblos de los países extranjeros.

"La Asociación para la Conciliación Internacional," dice el Barón d'Estournelles de Constant, "no es una asociación sentimental, humanitaria; significa un progreso real, perseguido en el interés nacional de cada país, particularmente de los países jóvenes que tienen necesidad de consagrar todas sus fuerzas y sus recursos a su desarrollo.

"La Conciliación es el indispensable complemento moderno del esfuerzo económico de todo país civilizado. ¡Desarrollar la prosperidad nacional al amparo de las buenas relaciones internacionales; ése es nuestro empeño, resumido en nuestra divisa: *Pro patria per orbis concordiam!*

"Organizad el arbitraje de preferencia a la guerra; pero preferid la conciliación al arbitraje. Tal es nuestra concepción, nuestra norma de vida.

"La guerra antes que la servidumbre.

"El arbitraje antes que la guerra.

"La conciliación antes que el arbitraje.

"El arbitraje repara; la conciliación evita.

"La conciliación reemplaza la estéril ruina de los antagonismos con el fecundo espíritu de la cooperación."

La Fundación está dispuesta a tomar a su cargo los gastos originados por la organización de esas sociedades.

Me ocuparé ahora en la labor de la División de Economía Política y de Historia.

La tarea de esta División es: "Alentar investigaciones y estudios científicos y profundos sobre las causas de la guerra, y sobre los medios prácticos de prevenirla y evitarla."

Hace dos años se organizó en Berna, Suiza, una Conferencia a la cual se invitó a economistas y publicistas distinguidos de toda Europa, para que examinaran las cuestiones susceptibles de ser debida y prácticamente estudiadas, y elaborar un programa de ensayo para la División.

Ya se ha asignado un gran número de temas a especialistas elegidos en los países a los cuales se contrae su tarea; algunos estudios están ya terminados y dentro de algunos años la Fundación habrá publicado una serie de folletos notables sobre todas las fases del programa y que serán en el lenguaje del señor Root "useful to mankind".

El señor profesor Kinley, un viejo y sincero amigo de la América Latina, que representó a los Estados Unidos en el Cuarto Congreso Panamericano en Buenos Aires, ha sido nombrado miembro de la Comisión de Investigaciones y se consagrará más especialmente a los problemas que interesan a la América Latina. Ha resuelto visitar la América Latina el año próximo para cambiar ideas con los directores de la opinión, a fin de conocer su juicio y si es posible asegurarse su concurso para proponer y ejecutar los proyectos que pudieran recomendarle.

La tercera División es la de Derecho Internacional.

Esta División, como las otras, ha considerado necesario crear una organización especial y asegurar los servicios de un cuerpo de abogados consejeros.

El Instituto de Derecho Internacional se compone—apenas hay necesidad de decirlo—de los más eminentes jurisconsultos de todas las naciones, y la Fundación ha pedido al Instituto, que asuma el carácter de consejero de la División de Derecho Internacional.

El Instituto aceptó el cargo y eligió una comisión que ha ejercido sus funciones como consejera del director.

La División prepara varias obras. La primera es una colección, destinada a la publicidad de todos los tratados generales y especiales de arbitraje, y en lo que se refiere especialmente al siglo diecinueve, la Fundación quedará muy agradecida a los publicistas de la América Latina que quieran enviarle noticias sobre ciertas cuestiones que conocen y que acaso son los únicos en conocer, y los directores de la Fundación apreciarán como un señalado favor, de parte de los gobiernos de la América Latina, si éstos consienten en darles copias de esos tratados, siendo en verdad difícil procurarse textos auténticos y fidedignos. Todos los ejemplos conocidos de arbitraje internacional serán coleccionados y publicados con una noticia crítica.

El Instituto de Derecho Internacional que desempeña ahora el papel de consejero de la División Internacional fué creado en Europa en mil ochocientos setentitrés. Aunque este Instituto representa la "conciencia jurídica internacional" varios jurisconsultos han sentido la necesidad de una institución que fuera la representante de la conciencia jurídica de América, y que estudiara los problemas que más particularmente interesan al Nuevo Mundo, y encarara, desde un punto de vista americano, las cuestiones generales del Derecho de gentes.

Como sabéis, vuestro distinguido publicista e internacionalista, el doctor Alejandro Alvarez, y el Dr. James Brown Scott, director de la División de Derecho Internacional de la Fundación, establecieron hace año un Instituto Americano de Derecho Internacional. Este Instituto se propone formar sociedades nacionales de Derecho internacional en los países panamericanos, afiliados a él y que trabajen por estudiar los problemas americanos, hacer conocer sus principios y contribuir a las relaciones pacíficas de los países.

Por temor de pareceros exagerado cuando os hablo de los fines y propósitos del Instituto Americano de Derecho Internacional, cuyo presidente honorario es el Sr. Elihu Root, séame permitido citaros un pasaje de un erudito holandés, profesor de Derecho internacional, a quien se puede suponer que trata esta cuestión con desinterés.

Después de haber hablado del gran ejemplo que ha dado la América al mundo, procurando la codificación del Derecho internacional, dice:

“Un Instituto esencialmente científico, mas apenas inferior en valor moral, nos proporciona el segundo ejemplo. El acercamiento gradual entre el Norte y el Sur ha creado un nuevo instrumento de progreso. Los proyectos de una unión panamericana, que han sido lanzados desde mucho tiempo, sin jamás tener efecto, han dado por fin un resultado en el terreno apacible de los estudios, gracias el talento y a la perseverancia de dos hombres ilustrados de las dos mitades del hemisferio. En el curso del año pasado el señor James Brown Scott, el renombrado jurisconsulto y pacifista de los Estados Unidos, y el Sr. Alejandro Alvarez, antiguo profesor y Consejero del Ministerio de Relaciones Exteriores de Chile, que en Junio de 1912 había ejercido una influencia en alto grado saludable en Río sobre el gran proyecto de la codificación, después de una entrevista personal en Wáshington, fundaron allí en Octubre de 1912 el “Instituto Americano de Derecho Internacional.” Este Instituto tiene por fin: Primero, contribuir al desarrollo del Derecho internacional; segundo, consolidar el sentimiento común de una justicia internacional; tercero, hacer aceptar en todas partes la acción pacífica en el arreglo de las controversias internacionales entre los Estados americanos. Esta idea luminosa nació de la convicción de que vale más propagar las nociones del derecho y de la justicia por medio de una infusión lenta pero constante en los cerebros y los corazones de los pueblos que por medio de negociaciones diplomáticas que no descansan sobre un sentimiento popular general.”

El Sr. Root y sus colegas dan la mayor importancia a la fundación y el buen funcionamiento del Instituto Americano de Derecho Internacional y de sus sociedades afiliadas en todos los países de América.

La Fundación pasa actualmente al Instituto antiguo, fundado en Europa, un subsidio destinado a cubrir los gastos de viaje de sus miembros, los gastos de las comisiones y la publicación de sus trabajos. El nuevo Instituto puede contar con que recibirá de la Fundación, en cuanto se hayan constituido definitivamente las sociedades nacionales, una ayuda pecuniaria, y que estará en un pié

de iguldad con el antiguo Instituto. La Revista Americana de Derecho Internacional que con algunas ligeras modificaciones podría convertirse en órgano del Instituto Americano, recibe ya un subsidio anual de la Fundación.

Otra institución por la cual la División de Derecho Internacional se interesa mucho y á la cual subvencionaría y mantendría es la Academia de Derecho Internacional que se proyecta establecer en La Haya.

En la Segunda Conferencia de la Paz, de la Haya, se presentó una moción, a fin de crear esa Academia. No se tomó entonces ningun acuerdo, pero la idea se ha impuesto por los publicistas de todos los países. Un comité de publicistas holandeses, presidido por el señor Asser, cuyo reciente fallecimiento lamentamos, tomó la iniciativa de crear y de instalar esa Academia en el Palacio de la Paz, de La Haya.

Las proposición del señor Asser tiene en vista la enseñanza sistemática del Derecho internacional y de las materias correlativas por medio de una facultad constituída al efecto y cuyos profesores, elegidos entre los publicistas de diferentes países, se turnarían. Se darían cursos y conferencias sobre asuntos importantes y oportunos por publicistas que, aparte de un amplio conocimiento teórico, hayan adquirido una larga experiencia en la práctica del Derecho internacional.

Propuso también el señor Asser interesar a los gobiernos invitándolos a designar, funcionarios competentes de los diversos departamentos ministeriales que seguirían los cursos.

La institución sería única por su pequeña facultad variable, única por su cuerpo de estudiantes procedentes de todos los países, única por sus clases especiales.

La Fundación pagará los gastos de la Academia, pero ésta no será una agencia directa de la Fundación ni estará bajo su control.

El Sr. Root me ha encargado que os presente el proyecto de esta Academia y que solicite el concurso de todas las naciones latinoamericanas, a fin de que cada una designe a uno, o varios de sus ciudadanos para que asistan a las conferencias y a los cursos.

Notaréis que el Sr. Root y la Fundación Carnegie están empeñados en el desarrollo científico del Derecho internacional, y mucho les gustaría ver establecido un tribunal de justicia internacional que no fuera temporal para casos aislados, sino permanente para todos los casos. Conocéis bien la máxima "inter arma silent leges", pero también es cierta la afirmación contraria "inter leges silent arma". La historia nos demuestra que esto es una verdad con referencia a los individuos, pudiéndose observar que también es aplicable a las naciones.

Una cuestión sobre la cual debo llamaros la atención es la formación de comisiones nacionales para considerar los asuntos que podrían formar parte del programa de la próxima Conferencia de La Haya, comisiones que se pondrán en comunicación con las que se formen en todos los países americanos.

Es generalmente conocido el hecho de que la Segunda Conferencia de la Paz reunida en La Haya propuso que la tercera se reuniera ocho años más tarde, lapso

igual al que medió entre la primera y la segunda, de suerte que si se cumple esta proposición, la próxima Conferencia se reunirá en mil novecientos quince. Estipulóse además que uno o dos años antes de esa reunión probable, se constituiría un comité preparatorio mediante un acuerdo común de las potencias.

Es evidente que los diversos países invitados deberán examinar esas cuestiones importantes antes de la constitución del comité preparatorio y parece oportuno, si no es necesario, que cada gobierno nombre un comité para examinar esas cuestiones en detalle, a fin de poder presentar sus proposiciones con todo conocimiento de causa.

Son por lo tanto *cinco* los proyectos prácticos en los cuales solicitamos el concurso que vos, señor Decano, tan generosamente nos habéis ofrecido:

El establecimiento en cada país de una sociedad nacional de Derecho internacional, afiliada al Instituto Americano de Derecho Internacional;

El establecimiento en cada país de una sociedad nacional de conciliación internacional, afiliada á la Asociación para la Conciliación Internacional en París;

El nombramiento de comités nacionales para estudiar asuntos que puedan discutirse en la próxima Conferencia de La Haya y la intercomunicación de tales comités entre todos los países americanos;

El intercambio de profesores y de estudiantes entre las universidades norteamericanas y las suramericanas, y visitas de hombres prominentes;

La participación de los gobiernos americanos en la proyectada Academia de Derecho Internacional de La Haya, enviando cada gobierno uno ó más estudiantes representativos para asistir a los cursos.

Para terminar séame permitido citar un párrafo de las instrucciones que me ha dado el Sr. Elihu Root:

“Los Síndicos de la Fundación comprenden bien que el progreso en la obra que han emprendido debe necesariamente ser lento y que sus resultados más substanciales se obtendrán en el lejano porvenir. Estamos tratando con aptitudes e impulsos firmemente establecidos en la naturaleza humana a través del desarrollo de miles de años, y lo más que una generación puede esperar es fomentar el cambio gradual en las normas de conducta. Cualquier cálculo de tal obra y sus resultados debe hacerse no en términos de la vida humana individual, sino en términos de la vida larga de las naciones. Aunque los resultados inmediatos no sean conspicuos, no puede haber ningún objeto más noble en el esfuerzo humano que el ejercicio de una influencia sobre las tendencias de la raza, de modo que se mueva, aunque sea muy lentamente, en dirección de la civilización y de la humanidad y en dirección opuesta a la brutalidad sin sentido. Es para participar con nosotros en esta obra noble aunque inconspicua, que le rogamos invite a nuestros amigos en Sur América con las seguridades más sinceras y sin reservas de nuestra distinguida consideración y afectuosa estimación.”

Excelentísimos señores: Antes de terminar quiero daros una vez más las gracias por el gran honor que me ha sido dispensado, y expresaros mi profunda gratitud por vuestra amable y simpática acogida.



### Nota Circular.

DE LA SOCIEDAD NACIONAL DE DERECHO INTERNACIONAL,  
SANTIAGO DE CHILE, ENERO DE 1914

*Señor:*

Conocido de todo el mundo civilizado es el noble y eficaz impulso que el señor Andrew Carnegie ha traído a la obra común de la concordia universal.

El estudio y difusión del Derecho internacional, ha sido y es uno de los medios más adecuados para el afianzamiento de los principios de conciliación, para el arreglo pacífico de los conflictos exteriores y para la seguridad creciente de la paz entre los pueblos que comparten la vida del derecho.

Publicistas eminentes de todos los países han acogido con entusiasmo la fundación de un Instituto Americano, que se consagre al estudio del derecho internacional, y de institutos nacionales, que colaboren con él desde cada país en aquél propósito.

En la reciente visita que por encargo de Mr. Elihu Root nos acaba de hacer Mr. Robert Bacon, nos invitó para que fundáramos en Chile un Instituto filial del que se ha constituido en Wáshington, presidido por Mr. Root y cuyo secretario es nuestro distinguido compatriota don Alejandro Alvarez.

El objeto primordial del Instituto Americano y de los institutos nacionales que lo integran es puramente científico.

Toda idea política o susceptible de influir directa o indirectamente en la vida política queda excluida de sus deliberaciones.

Las materias propias de su programa las discutirá el Instituto sólo bajo el punto de vista de la doctrina y de la aplicación jurídicas.

Las Repúblicas Americanas, ligadas por tantos vínculos comunes y por su carácter democrático, encontrarán, más aún que otras naciones en el Instituto Americano de Derecho Internacional, un órgano extra oficial para hacer valer en condiciones de perfecta igualdad sus ideas y para conocer las ideas dominantes en las demás Repúblicas, y allegarán así una garantía moral para la normalidad de sus relaciones y se acercarán considerablemente, unas a otras, dentro de los principios de derecho y de justicia.

Los países americanos necesitan conocerse mejor; el cambio de ideas trae la unión de los sentimientos, y el contacto de los hombres y de los principios de los diversos pueblos del Nuevo Mundo acortará muchas distancias. Los institutos de Derecho internacional harán, en la vasta esfera del espíritu y del estudio, acaso no menos que cuanto hacen en los radios oficiales las Conferencias Pan-americanas.

Los objetos del Instituto Nacional de Derecho Internacional, a cuya fundación tenemos el honor de invitar a usted, son los mismos objetos del Instituto Americano de Derecho Internacional, con las variantes inherentes a su nacionalidad chilena.

En consecuencia, el Instituto Nacional de Derecho Internacional se propone:

1. Contribuir al desarrollo del Derecho internacional y hacer aceptar sus principios generales entre los pueblos, y especialmente entre las naciones del Continente Americano.
2. Contribuir al estudio de los problemas del Derecho internacional, especialmente los de carácter americano, para resolverlos con arreglo a los principios generales ya aceptados y tomando en cuenta las doctrinas que Chile ha sostenido.
3. Colaborar a la codificación del Derecho internacional, en armonía con las tradiciones y doctrinas de la humanidad y de nuestra historia nacional.
4. Difundir los medios pacíficos de solucionar los conflictos internacionales.

El Instituto constará de tres clases de socios: fundadores, serán los que acepten la presente invitación; adherentes serán los que con posterioridad adhieran a ella; y titulares serán los que en número no mayor de cinco, proponga el Instituto Nacional al Instituto Americano para que formen parte de éste.

El Instituto se propone formular y discutir, en asambleas de todos sus socios, proposiciones, resoluciones y acuerdos relativos a todas o a cualesquiera de las materias que se comprenden entre sus objetos ya enunciados.

Sus resoluciones serán transmitidas al Instituto Americano, y éste las tomará en consideración en las sesiones que debe celebrar a lo menos cada dos años, y a las cuales podrán concurrir los miembros titulares de nuestro Instituto.

Tendrá el Instituto un Consejo Directivo encargado de su dirección general y de la gestión de sus intereses.

La cotización de los socios será de veinticinco pesos al año.

Si usted creyera que estos propósitos son dignos de su adhesión, le agradeceríamos nos devolviera firmado el adjunto boletín.

Ofrecemos a usted nuestras consideraciones muy distinguidas.

LUÍS BARROS BORGÑO,  
ANTONIO HUNEEUS,

DOMINGO AMUNÁTEGUI S.,  
RICARDO MONTANER BELLO.

## APÉNDICE VI

### *Perú*

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#### Discurso del Dr. Romero,

DECANO DE LA FACULTAD DE JURISPRUDENCIA DE LA UNIVERSIDAD DE SAN MARCOS,  
LIMA, 6 DE NOVIEMBRE DE 1913

*Señores:*

La Fundación Carnegie para la Paz Internacional que tiene por objeto la altísima misión de promover y fomentar esa idea, ha comisionado al Honorable señor Roberto Bacon, ex-Secretario de Estado, y ex-Embajador de los Estados Unidos en Francia, para que, como su Delegado, llene ese propósito de paz y de fraternidad.

En 1910 Mr. Andrew Carnegie donó diez millones de dollars, para que los fideicomisarios que designaba los aplicasen al objeto de la Fundación, que dichos señores han expresado ser: la investigación científica y el estudio de las causas de la guerra, y los métodos prácticos de impedirla o entorpecerla; educar la opinión pública acerca de las causas, naturaleza y efectos de la guerra; establecer una mejor inteligencia de derechos y deberes internacionales, y un sentido de justicia más perfecto entre los habitantes de los países civilizados; promover la aceptación general de los medios pacíficos en el arreglo de las disputas internacionales; fomentar sentimientos de amistad entre los habitantes de los distintos países, y acrecentar el conocimiento e inteligencia común entre las naciones; ayudar al desenvolvimiento del Derecho internacional hacia un acuerdo universal sobre las reglas del mismo; y fomentar aquellos establecimientos u organismos que sean necesarios o útiles para la consecución de los fines de la Fundación.

El gran filántropo Carnegie concibió esta hermosa idea, y al mismo tiempo estableció el medio de realizarla, donando una suma nunca oída y ni siquiera imaginada. Por este medio hacía práctico aquel propósito generoso, y propendía, en la forma más eficaz, a que se aminoraran las guerras o fueran menos grandes sus horrores.

Es en realidad una idea altísima, que corresponde al genio americano, creador de tantas obras colosales, como son grandes su poder, sus riquezas, su extensión territorial, y los hombres eminentes que en la ciencia, en las artes y en el gobierno han despertado la admiración del mundo.

Si han sido los primeros en la paz, y también en la guerra, inician ahora, por la obra generosa de un multimillonario, el propósito de ser los primeros

en los corazones de los que salven en todo el mundo de una de las mayores calamidades que tantas veces y tan cruelmente lo han asolado.

Como ministro de esta misión de confraternidad y armonía; como mensajero de este propósito cristiano y civilizador; y como adalid de esta idea, que tan hondamente afecta todos los corazones, viene hacia nosotros un gran estadista, un hombre eminente por su saber, una persona que, después de tratarle unos pocos minutos, exhibe la poderosa luz de su inteligencia y la gran bondad de su corazón.

Yo os lo presento, señor Rector, y muy estimados compañeros.

No es un extraño para nosotros. Graduado en Harvard, es hoy uno de los síndicos, "Fellows" de esa universidad. No es, por consiguiente, por simple cortesía que se halla en este lugar. Lo ocupa por que es el que corresponde a su título académico, y también al rango de regir un poderoso centro de saber, mucho más importante que el nuestro.

Llevando fuera de su universidad su talento y su ciencia, no hace mucho dirigía con gran habilidad los negocios extranjeros de la más grande de las Repúblicas; ayer era Embajador en una de las metrópolis europeas: y ahora toma un corto descanso, como Embajador de la más humana de las empresas de los hombres de buena voluntad, en la más antigua de las universidades de este continente, en la vieja casa que fundara Carlos V en 1551, la que hoy se regocija de tener, en su seno, aunque sea momentáneamente, a uno de los hijos predilectos de la más poderosa de sus hermanas.

Pero, además de esta satisfacción, quiere tener el honor de contarle entre sus miembros, y de que su palabra quede gravada en esta antigua sala, en donde aún se siente el éco de la palabra de los más sabios de nuestros maestros, y de los más esclarecidos de nuestros hombres públicos.

El Sr. Bacon nos va a dispensar a todos el honor de expresarnos de viva voz el objeto de su misión, y asimismo expresar sus ideas sobre la materia interesante que va a tratar; y a la Facultad de Jurisprudencia el muy especial de incorporarse a ella como su miembro honorario.

Ilustre señor: sed el bienvenido en nuestra secular Universidad; y siendo como sois heraldo de la más noble de las ideas de paz y de fraternidad, llevad a vuestro poderoso país el mensaje de nuestra simpatía y el de nuestra admiración por la obra del gran Carnegie, que con tanto acierto realizan sus fideicomisarios, y de nuestra fe profunda en el éxito de ella, por la labor inteligentísima de tan dignas personas, entre las cuales con Mr. Root y Mr. Brown Scott, sois ilustre propagandista.

### Discurso de Mr. Bacon

*Señor Rector, Señores:*

Perdonadme, si en este recinto histórico, ante tal conjunto de hombres eminentes en las ciencias y en las letras, me atrevo a dirigiros la palabra en el

bello idioma castellano. Este idioma, tan dulce, fino, y sonoro, desearía conocerlo a fondo, para poder expresaros mis sentimientos: la intensa emoción de simpatía que experimento al comparecer ante este ilustrado cuerpo intelectual, y mi profunda gratitud por la señalada distinción que me ha hecho la Universidad de San Marcos, la más antigua del Nuevo Mundo, al otorgarme el título de miembro de su Facultad de Jurisprudencia.

Este gran honor que me disciernen la universidad y su digno rector, lo aprecio, señores, con toda mi alma, en todo cuanto vale, y lo agradeceré mientras viva. La justa fama de que ha gozado esta secular institución durante tantos años en el campo de las ciencias y las letras es gloriosa, y yo me siento orgulloso de pertenecer a tan alto y distinguido centro de cultura.

En mi propio nombre y en el del eminente caballero que me envía, el Senador Elihu Root, os doy las más expresivas gracias, señor, por vuestras cariñosas frases. Lléname de regocijo ser recibido de tan bondadosa manera por los habitantes de la gentil Perú, donosa reina de los Andes, la patria de los Incas. Aquellos augustos emperadores representan el pomposo pasado, lleno de misterio y brillantez, y asimismo los vastos recursos de esta hermosa tierra y vuestra hidalga raza, presagian un porvenir no menos glorioso y brillante.

En las altas cumbres, el condor, símbolo de la libertad, recrea su potente mirada en la contemplación de su patria libre y risueña, caminando hacia el ideal amado de los pueblos, la paz y la prosperidad.

Al llegar a esta tierra luminosa me siento conmovido de admiración, feliz al aspirar el perfumado ambiente de vuestras montañas, al ver vuestros Andes magestuosos, cuyos magníficos nudos enlazan el cuerpo de la hermosa Perú. Es para mí un placer muy grande visitar, siquiera durante algunos días, demasiado breves para mis deseos, este noble país, cuya historia me ha encantado desde mi juventud.

Vengo con un mensaje de buena voluntad de vuestro sincero amigo y admirador, el señor Elihu Root. A petición suya, anticipada por mi propio deseo, tengo el honor de presentarme ante vosotros. Quisiera poder expresaros todo lo que él mismo os diría si estuviera presente, si, tomando la palabra, os dirigiera el saludo de su vieja amistad. Las expresiones serían quizás diferentes, pero el espíritu que las animaría, os ruego creerlo, sería absolutamente el mismo.

En su nombre os invito a cooperar en el establecimiento de instituciones internacionales que serán, lo esperamos, centros de buena voluntad, que propagarán y popularizarán principios justos y progresistas de derecho internacional, y que, en distintas maneras, directa e indirectamente, por un intercambio de pensamientos y de ideas y por una combinación feliz de esfuerzos, llegarán a fortalecer los lazos de amistad que un pasado común, instituciones comunes y propósitos comunes indican y requieren.

La historia y la naturaleza han hecho nacer y crecer un profundo sentimiento de solidaridad, no sólo entre los Estados de la América Latina, sino también entre las Repúblicas del Sur y los Estados Unidos. Importa mantener y forti-

ficar esa solidaridad, que en razón de su doble origen une indisolublemente a las naciones del Nuevo Continente, en el pasado, en el presente y en el porvenir.

Basta echar un vistazo a la historia política del Nuevo Mundo para ver el constante interés con que los Estados Unidos siguieron la lucha emprendida por los Estados de la América Latina, primero para desligarse de la metrópoli, y después para defender su independencia contra toda tentativa de conquista de parte de las potencias europeas. Basta también recordar que, después de la emancipación, los Estados Unidos proporcionaron a los Estados latinos las formas y las bases de sus instituciones políticas, en especial de su régimen republicano y democrático, en una época en que las viejas instituciones de Europa estaban lejos de corresponder a las ideas de la libertad y a las condiciones sociales de las dos Américas.

Todo ese pasado de gloria en la historia del Nuevo Mundo debe fortalecer de día en día los vínculos indestructibles de solidaridad que han unido a las naciones americanas desde su nacimiento a la vida política.

La naturaleza consolida todavía más la obra de la historia. La situación continental de los Estados del Nuevo Mundo ha hecho nacer una serie de problemas comunes a todos los Estados de este continente, creando así entre ellos nuevos lazos de solidaridad. Gracias a los progresos de la civilización y al perfeccionamiento de los medios de comunicación, se ha comprendido, en nuestros días, la imperiosa necesidad de resolver uniformemente los problemas nacidos de la situación y condiciones especiales del Nuevo Continente.

Anticipándose en cierto modo a Europa, donde las grandes potencias no se reunían en conferencia sino después de guerras y para determinar las condiciones de la paz, todos los Estados de la América se han reunido en conferencias pacíficas a fin de tratar cuestiones comunes a todo su continente; de aquí el nombre y el origen de las Conferencias Panamericanas.

Estas conferencias han sido fructuosísimas: se han estudiado en ellas ciertos problemas de interés americano y se han firmado convenciones importantes encaminadas a desarrollar la vida social e intelectual del Nuevo Mundo. Además, los representantes de los diversos Estados americanos han llegado así a conocerse mejor y han podido darse cuenta de la multiplicidad e importancia de los vínculos que unen a todos los Estados americanos.

Los sentimientos de solidaridad y de confraternidad que agrupan en comunidad de intereses a los Estados del Nuevo Mundo, deben producir una obra de unión intelectual y de concordia. Ya se ha abierto camino, se han obtenido numerosos y fértiles resultados; importa, pues, seguir adelante y realizar más y más la buena inteligencia y la armonía. Es preciso, sobre todo, disipar el concepto erróneo que parece existir todavía en algunas partes del Sur respecto a la política de los Estados Unidos. Recordaréis las declaraciones solemnes de mi ilustre maestro, el Señor Root, en la Tercera Conferencia Panamericana en Río Janeiro: "Nosotros no deseamos más victorias que las que proporciona la paz; ni más territorio que el nuestro; ni más soberanía que la que ejercemos sobre noso-

tros mismos. Consideramos que la independencia y los derechos del más pequeño y débil miembro de la familia de las naciones merecen tanto respeto como los del más poderoso imperio, y creemos que la observancia de ese respeto es la mayor garantía del débil contra la opresión del fuerte. Nosotros no pretendemos tener, ni deseamos derechos, privilegios, o poderes, que no reconozcamos libremente a cada una de las Repúblicas Americanas. Deseamos aumentar nuestra prosperidad, extender nuestro comercio, crecer en riqueza, en sabiduría, y en espíritu; pero nuestra concepción del verdadero método de conseguir todo esto, no es el de hundir a otros y sacar provecho de su ruina, sino ayudar a todos los amigos a alcanzar una prosperidad común, un crecimiento común, para que todos a la vez podamos llegar a ser más grandes y más fuertes."

El Presidente Roosevelt, en su mensaje al Congreso en diciembre de mil novecientos seis, dió su entusiasta aprobación a estas palabras de su Secretario de Estado, y declaró que representaban correctamente los sentimientos del pueblo americano. Las mismas palabras siguen representando hoy los sentimientos, los ideales, del pueblo de los Estados Unidos con la misma verdad, con la misma fuerza, que tenían hace siete años. Me gusta considerar esta memorable declaración como la Doctrina Root—a doctrine of sympathy and understanding, of kindly consideration and honorable obligation—and me sentiría orgulloso de considerarme digno de hablar de ella, como humilde apóstol. Nuestro país desea ante todo que la paz y la prosperidad reinen en la América Latina.

Tengo el honor de dirigirme a vosotros no meramente en mi propio nombre, sino en representación de la Fundación Carnegie, de la cual es cabeza y alma el señor Root, e invitaros en su nombre y en el de los síndicos de la Fundación, a cooperar con esta por todos los medios que creáis convenientes.

En otros términos, es el deseo conseguir en cuanto sea posible el interés y la simpatía de los corifeos de la opinión en Sur América, en las diversas empresas para el mejoramiento de las relaciones internacionales que la Fundación trata de promover, de modo que puedan prestar su concurso en forma práctica, en la obra emprendida.

La estimación y la amistad que los Síndicos abrigan por los pueblos de la América Latina y por numerosos distinguidos latinoamericanos, con los cuales llevan relaciones agradables de amistad personal, les hacen desear que el trabajo pueda recibir la misma cooperación activa y útil en Sur América que ya ha obtenido en Europa.

Me permitiré explicar brevemente el trabajo de la Fundación, y referirme a algunos proyectos prácticos en los cuales el señor Root y sus asociados solicitan especialmente vuestra cooperación.

Lamento verme obligado a limitarme a los detalles escuetos y poco interesantes, en este momento en que, bajo la inspiración de vuestras elocuentes frases y bajo el encanto de este ambiente intelectual, desearía ocuparme de nuestros ideales, de nuestras esperanzas, de las visiones soñadas por los prohombres de nuestras patrias. Porque me siento orgulloso, señor, de compartir vuestra fe,

y estoy íntimamente convencido de que, a pesar de las nubes acumuladas por la desconfianza y el escepticismo, estamos en visperas de un movimiento progresivo en la evolución del liberalismo del mundo, y que ya podemos ver despuntar la aurora de un día más puro.

Los principios, la filosofía de la vida del siglo pasado no nos bastarán ya. Necesitaremos nuevas leyes de economía política, nuevos principios de Derecho internacional.

El nombre de la institución que tengo el honor de representar, la Fundación para la Paz Internacional, a veces produce una impresión errónea en cuanto al objeto directo que tiene la Fundación, como también en cuanto a los medios que utiliza para lograrlo. Más bien podría designarse como Fundación para la Amistad Internacional. Existiendo amistad y relaciones armoniosas entre las naciones, la paz es una consecuencia natural. Los fines específicos que persigue la Fundación pueden por lo tanto resumirse así: Fomentar el estrechamiento de las relaciones amistosas entre las naciones, y el desarrollo del Derecho internacional. Estos dos fines están íntimamente ligados; cada uno es causa y efecto del otro.

Al trabajar en este sentido la Fundación no se presenta como misionero de paz ni trata de predicar sus propias ideas ante el mundo, sino que desea alentar en cada país las actividades nacionales que propendan hacia la consecución de la amistad internacional y al desarrollo del Derecho internacional. Los medios que emplea y propone, son medios prácticos.

Los propósitos y objetos caen naturalmente en tres grupos: uno que trata de la creación de la opinión pública en favor del arreglo pacífico de las diferencias internacionales; otro, de la investigación y estudio de las causas de la guerra; y el tercero, de los principios de derecho y de justicia que arreglarían o evitarían las controversias que han amargado las relaciones entre las naciones en el pasado.

El trabajo está, pues, repartido en tres divisiones:\*

La División de Relaciones y Educación.

La División de Economía Política e Historia.

La División de Derecho Internacional.

Para ayudar a la primera División, el director de la misma, el doctor Butler, Presidente de la Universidad de Columbia, formó un Comité Consultivo de hombres de estado y publicistas europeos, y un cuerpo de corresponsales. Nos hemos preguntado si sería grato a los jefes del pensamiento en la América Latina crear un organismo algo parecido al Comité Consultivo general que se formó en Europa.

La División ha inaugurado las visitas de hombres eminentes, de Europa, Norte América y el Japón, y asimismo ha iniciado un intercambio de profesores con el Japón. Espero, por mi parte, obtener en la América del Sur opiniones y datos que nos permitan inaugurar cuanto antes, el intercambio de hombres representativos, y de profesores y estudiantes con la América Latina.

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\*NOTA.—Véase la nota en la página III.



El deseo sería que el intercambio comenzara inmediatamente con el envío anual de dos sabios eminentes, o dos conocidos publicistas de la América del Sur a los Estados Unidos, y de dos americanos del norte a la América del Sur. Cada uno de estos señores dedicaría su tiempo a dos instituciones establecidas en el continente que visitara.

Una de las tareas a que esta División dá mucha importancia es la relativa al establecimiento de asociaciones para la conciliación internacional en el mundo entero.

La primera asociación de esta índole fué formada en París, hace algunos años. Existen ramales en los Estados Unidos, Alemania e Inglaterra, y se están formando otros.

Las instrucciones que he recibido son de solicitar el concurso de las personas interesadas en los países que tengo el honor de visitar, para que organicen ramales de la Conciliación Internacional, en relación con la sociedad madre en París. Esas asociaciones, aunque locales, tienen, sin embargo, una misión internacional, y se proponen crear, por medio de reuniones y de útiles folletos que regularmente publican, sentimientos amistosos hacia los pueblos de los países extranjeros.

“La Asociación para la Conciliación Internacional”, dice el Barón d’Estournelles de Constant, “no es una asociación sentimental, humanitaria; significa un progreso real, perseguido por el interés nacional de cada país, particularmente de los países jóvenes que tienen necesidad de consagrar todas sus fuerzas y sus recursos a su desarrollo.

“La Conciliación es el indispensable complemento moderno del esfuerzo económico de todo país civilizado. ¡Desarrollar la prosperidad nacional al amparo de las buenas relaciones internacionales; ése es nuestro empeño, resumido en nuestra divisa: *Pro patria per orbis concordiam!*”

“Organizad el arbitraje de preferencia a la guerra; pero preferid siempre la conciliación al arbitraje. Tal es nuestra concepción, nuestra norma de vida.

“La guerra antes que le servidumbre.

“El arbitraje antes que la guerra.

“La conciliación antes que el arbitraje.

“El arbitraje repara; la conciliación evita.

“La conciliación reemplaza la estéril ruina de los antagonismos con el fecundo espíritu de la cooperación.”

La Fundación está dispuesta a tomar a su cargo la organización de esas sociedades, y a suministrar los recursos necesarios para asegurarse los servicios de secretarios competentes, y cubrir los demás gastos.

Me ocuparé ahora de la labor de la División de Economía Política y de Historia.

La tarea de esta División es: “Alentar investigaciones y estudios científicos y profundos sobre las causas de la guerra, y sobre los medios prácticos de prevenirla y evitarla.”

Hace dos años se organizó en Berna, Suiza, una Conferencia a la cual se invitó a economistas y publicistas distinguidos de toda Europa, para que examinaran las cuestiones susceptibles de ser debida y prácticamente estudiadas, y elaboraran un programa de ensayo para la División.

Ya se ha asignado un gran número de temas a especialistas elegidos en los países a los cuales se contrae su tarea; algunos estudios están ya terminados y dentro de algunos años la Fundación habrá publicado una serie de folletos notables sobre todas las fases del programa y que serán, para hacer uso de las palabras del señor Root, "útiles a la humanidad."

El profesor Kinley, un viejo y sincero amigo de la América Latina, que representó a los Estados Unidos en el Cuarto Congreso Panamericano en Buenos Aires, ha sido nombrado miembro de la Comisión de Investigaciones y se consagrará más especialmente a los problemas que interesan a la América Latina. Ha resuelto visitar la América Latina el año próximo para cambiar ideas con los directores de la opinión, a fin de conocer su juicio y si es posible asegurarse su concurso para proponer y ejecutar los proyectos que pudieran recomendarle.

La tercera División es la de Derecho Internacional.

Esta División, como las otras, ha considerado necesario crear una organización especial y asegurar el servicio de un cuerpo de abogados que puedan servir de asesores en su trabajo.

El Instituto de Derecho Internacional se compone—apenas hay necesidad de decirlo—de los más eminentes jurisconsultos de todas las naciones, y la Fundación pidió al Instituto que asumiera el carácter de consejero de la División de Derecho Internacional. El instituto aceptó el cargo y eligió una comisión que ejerce las funciones de consejera del director. La comisión se compone de hombres de autoridad reconocida en asuntos de Derecho internacional: son los señores Fusinato, de Italia; Gram y Hagerup, de Noruega; Holland, de Inglaterra; Lammasch, de Austria; Lardy, de Suiza; Renault, de Francia; Rolin, de Bélgica; y Vesnich, de Servia.

La División prepara varias obras. La primera es una colección, destinada a la publicidad, de todos los tratados generales y especiales de arbitraje; y en lo que se refiere particularmente al siglo diecinueve, la Fundación quedará muy agradecida a los publicistas de la América Latina que quieran enviarle datos sobre ciertas cuestiones que acaso son los únicos en conocer. Los Síndicos apreciarán, como un señalado favor, de parte de los gobiernos de la América Latina, si éstos consienten en darles copias de sus tratados de arbitraje, siendo en verdad difícil procurarse textos auténticos y fidedignos. Todos los ejemplos conocidos de arbitraje internacional serán coleccionados y publicados con notas críticas. El Profesor John Bassett Moore, alta autoridad en las cuestiones de Derecho internacional y actualmente consejero del Ministerio de Estado de los Estados Unidos, se ha encargado de esta obra monumental.

El Instituto de Derecho Internacional que desempeña ahora el papel de consejero de la División de Derecho Internacional fué creado en Europa en mil ochocientos setentitrés. Aunque este Instituto representa la conciencia jurídica

internacional, varios juriconsultos han sentido la necesidad de una institución que fuera la representante de la conciencia jurídica de América, y que estudiara los problemas que más particularmente interesan al Nuevo Mundo y considerara desde un punto de vista americano, las cuestiones del Derecho de gentes.

Como sabéis, se fundó, hace un año, por estadistas y publicistas de las distintas Repúblicas americanas, un Instituto Americano de Derecho Internacional cuyo presidente honorario es el señor Elihu Root. Este Instituto se propone formar sociedades nacionales de Derecho internacional en los países panamericanos, afiliados a él y que trabajen por estudiar los problemas americanos, hacer conocer los principios del Derecho internacional, y contribuir a las relaciones pacíficas de los distintos países.

Por temor de pareceros exagerado cuando os hablo de los fines y propósitos del Instituto Americano de Derecho Internacional séame permitido citaros un pasaje de un erudito holandés, profesor de Derecho internacional, de quien se puede suponer que trata esta cuestión con desinterés.

Después de haber hablado del gran ejemplo que ha dado la América al mundo, procurando la codificación del Derecho internacional, dice:

“Un Instituto esencialmente científico, mas apenas inferior en valor moral, nos proporciona el segundo ejemplo. . . Este Instituto tiene por fin; primero, contribuir al desarrollo del Derecho internacional; segundo, consolidar el sentimiento común de una justicia internacional; tercero, hacer aceptar en todas partes la acción pacífica en el arreglo de las controversias internacionales entre los Estados americanos. Esta idea luminosa nació de la convicción que vale más propagar las nociones del derecho y de la justicia por medio de una infusión lenta pero constante en los cerebros y los corazones de los pueblos que por medio de negociaciones diplomáticas que no descansan sobre un sentimiento popular general . . . Este nuevo indicio de un progreso vigoroso que nos llega de allende el oceano, reanima nuestras esperanzas y redobla nuestros esfuerzos.”

El señor Root y sus colegas dan la mayor importancia al establecimiento y al buen funcionamiento del Instituto Americano de Derecho Internacional y de sus sociedades afiliadas en todos los países de América.

La Fundación pasa actualmente al Instituto antiguo, fundado en Europa, un subsidio destinado a cubrir los gastos de viaje de sus miembros, los gastos de las comisiones, y la publicación de sus trabajos. El nuevo Instituto puede contar con que recibirá de la Fundación, en cuanto se hayan constituido definitivamente las sociedades nacionales, una ayuda pecuniaria, y que estará en un pié de igualdad con el antiguo Instituto. La Revista Americana de Derecho Internacional, que se publica en inglés y en castellano, y que con algunas ligeras modificaciones podría convertirse en órgano del Instituto Americano, recibe ya un subsidio anual de la Fundación.

Otra institución por la cual la Division de Derecho Internacional se interesa mucho y a la cual subvencionaría y mantendría, es la Academia de Derecho Internacional que se proyecta establecer en La Haya.

En la Segunda Conferencia de la Paz, de La Haya, se presentó una moción, a fin de crear esa Academia. No se tomó entonces ningún acuerdo, pero la idea se ha impuesto por los publicistas de todos los países. El Gobierno de Holanda se ha interesado especialmente, y un comité de publicistas holandeses, presidido por el señor Asser, tomó la iniciativa de crear y de instalar esa Academia en el Palacio de la Paz, de La Haya. Este hermoso edificio sería así no sólo el sitio de reunión de las conferencias internacionales y el hogar de tribunales internacionales, sino un centro, una fuerza viva, para propagar constantemente los principios del Derecho internacional entre los países del mundo.

El proyecto se ocupa de la enseñanza sistemática, durante algunos meses del año, del Derecho internacional y de las materias correlativas, por medio de una facultad constituida al efecto y cuyos profesores, elidos entre los más eminentes publicistas de diferentes países, se turnarían. Se darían cursos y conferencias en francés, español, inglés, alemán e italiano, sobre asuntos importantes y oportunos por publicistas que, aparte de un amplio conocimiento teórico, hayan adquirido una larga experiencia en la práctica del Derecho internacional.

Se propuso también interesar a los gobiernos, invitándolos a designar funcionarios competentes de los diversos departamentos ministeriales que seguirían los cursos.

La institución sería única por sus breves cursos, única por su pequeña facultad variable, única por su cuerpo de estudiantes procedentes de todos los países, única por sus clases especiales.

La Fundación pagará todos los gastos, pidiéndose solamente a los gobiernos que designen personas que asistan a los cursos; pero la Academia no será una agencia directa de la Fundación ni estará bajo su control.

Tengo el encargo de presentaros el proyecto de esta Academia y de solicitar el concurso de todas las naciones latinoamericanas, a fin de que cada una designe a uno o varios de sus ciudadanos para que asistan a las conferencias y a los cursos.

Notaréis que el señor Root y la Fundación Carnegie están empeñados en el desarrollo científico del Derecho internacional, y mucho les gustaría ver establecido un Tribunal de Justicia Internacional que no fuera temporal para casos aislados, sino permanente para todos los casos. Conocéis bien la máxima "inter arma silent leges," pero también es cierta la afirmación contraria "inter leges silent arma." La historia nos demuestra que esto es una verdad con referencia a los individuos, pudiéndose observar que también es aplicable a las naciones.

Otra cuestión sobre la cual debo llamaros la atención es la formación de comisiones nacionales para considerar los asuntos que podrían constituir parte del programa de la próxima Conferencia de La Haya, comisiones que se pondrán en comunicación con las que se formen en todos los países americanos.

Es generalmente conocido el hecho de que la Segunda Conferencia de la Paz reunida en La Haya propuso que la tercera se reuniera ocho años más tarde, lapso igual al que medió entre la primera y la segunda; de suerte que si se cumple

esta proposición, la próxima Conferencia se reunirá en mil novecientos quince. Estipulóse además que uno o dos años antes de esa reunión probable, se constituiría un comité preparatorio mediante un acuerdo común de las potencias.

Es evidente que los diversos países invitados deberán examinar las cuestiones importantes antes de la constitución del comité preparatorio, y parece oportuno, si no necesario, que cada gobierno nombre un comité para examinar esas cuestiones en detalle, a fin de poder presentar sus proposiciones con todo conocimiento de causa.

Son por lo tanto *cinco* los proyectos prácticos en los cuales solicitamos vuestro concurso:

El establecimiento en cada país de una sociedad nacional de Derecho internacional, afiliada al Instituto Americano de Derecho Internacional;

El establecimiento en cada país de una sociedad nacional de conciliación internacional, afiliada a la Asociación en París;

El nombramiento de comités nacionales para estudiar asuntos que puedan discutirse en la próxima Conferencia de La Haya, y la intercomunicación de tales comités entre todos los países americanos;

El intercambio de profesores y de estudiantes entre las universidades norteamericanas y las suramericanas, y visitas de hombres prominentes;

La participación de los gobiernos americanos en la proyectada Academia de Derecho Internacional en La Haya, enviando cada gobierno uno o más estudiantes representativos para asistir a los cursos.

Para terminar séame permitido citar un párrafo de las instrucciones que me ha dado el señor Elihu Root:

“Los Síndicos de la Fundación comprenden bien que el progreso en la obra que han emprendido debe necesariamente ser lento y que sus resultados más substanciales se obtendrán en el lejano porvenir. Estamos tratando con aptitudes e impulsos firmemente establecidos en la naturaleza humana a través del desarrollo de miles de años, y lo más que una generación puede esperar es fomentar el cambio gradual en las normas de conducta. Cualquier cálculo de tal obra y sus resultados debe hacerse no en términos de la vida humana individual, sino en términos de la vida larga de las naciones. Aunque los resultados inmediatos no sean conspicuos, no puede haber ningún objeto más noble en el esfuerzo humano que el ejercicio de una influencia sobre las tendencias de la raza, de modo que se mueva, aunque sea muy lentamente, en dirección de la civilización y la humanidad y en dirección opuesta a la brutalidad sin sentido. Es para participar con nosotros en esta obra noble aunque inconspicua, que le rogamos invite a nuestros amigos en Sur América con las seguridades más sinceras y sin reservas de nuestra distinguida consideración y afectuosa estimación.”

Excelentísimos señores: Antes de terminar quiero daros una vez más las gracias por el insigne honor que me ha sido dispensado, y expresaros mi profunda gratitud por vuestra amable y simpática acogida.

**Discurso del Sr. Tudela y Varela, Ministro de Relaciones Exteriores,**

PRONUNCIADO EN EL BANQUETE DADO POR DICHO SEÑOR A MR. BACON

LIMA, 7 DE NOVIEMBRE DE 1913

*Señor Bacon:*

Con intensa satisfacción os ofrezco este banquete en nombre del Gobierno del Perú, que atribuye a vuestra visita todo el alto significado que ella tiene.

Diplomático experto, actuando como Secretario de Estado en Washington y como Embajador en Europa; universitario eminente, en el Consejo Directivo de Harvard; propagandista del derecho como delegado de la Fundación Carnegie; os presentáis encarnando la más acentuada y sobresaliente cultura.

El éxito de vuestra misión civilizadora y humanitaria, habrá, sin duda, de corresponder a tan valiosos títulos, ya por el inmenso prestigio que ellos mismos envuelven, ya por el ambiente propicio que circunda a esta tierra de América para alentar todo esfuerzo generoso y noble.

Podéis estar cierto, señor Bacon, de que, especialmente en nuestro país, encuentran los ideales del Instituto Americano de Derecho Internacional la más entusiasta acogida. El Perú tiene a honra haberlos proclamado, en todo momento, al través de su historia, y espera que algún día prevalecerán con verdadera eficacia, venciendo los inevitables tropiezos que la imperfección humana opuso siempre al imperio absoluto del derecho.

Acompañadme a brindar, señoras y señores, por la ventura personal de nuestro ilustre huésped, por su distinguida familia y por su patria grandiosa.

**Respuesta de Mr. Bacon**

*Señoras, Señores, Señor Ministro:*

Os agradezco de todo corazón, las amables palabras que habéis pronunciado en mi obsequio, vuestras bondadosas expresiones referentes a mi patria, y esta hermosa fiesta con que me habéis honrado en nombre de vuestro gobierno. También deseo reiterar mi profundo reconocimiento por la cordial recepción que me habéis dispensado vos, señor, y vuestros conciudadanos, con la finura y generosa hospitalidad que son privilegio de la caballerosa raza castellana.

La simpatía que habéis expresado por la misión que llevo a cabo y vuestra cordial promesa de apoyo me llenan de gratitud, de alegría, y de alientos para el porvenir. Os aseguro que vuestra amistad, vuestra simpatía, y vuestro apoyo, para nosotros, "valen un Perú."

Nosotros los americanos del norte nos sentimos orgullosos de nuestras progresistas hermanas del sur. Entre éstas, se destaca a nuestros ojos, la noble y simpática República del Perú, tanto por la cultura de su pueblo, la virilidad de su raza, la pureza de su idioma, el progreso de su civilización actual, como por su asombrosa historia y los misterios de sus civilizaciones pasadas.

Bien sabemos que este país es, en el lenguaje del poeta, “cofre de los tesoros primordiales, joyero mineral del regio orbe.” Los Andes y el Pacífico lo encierran en amoroso lazo, y el valeroso, noble, y emprendedor carácter peruano debe derivar su hidalguía del imponente mar y de las majestuosas montañas que circundan esta tierra.

Una vez inaugurado el Canal de Panamá, se abrirá para el Perú una nueva página en su historia. Por ese portentoso canal, obra maestra de ingeniería moderna, vendrán, cual desbandada tropa, las naves del comercio a invadir los puertos del Perú, vendrá la inmigración; y las razas europeas ayudarán al bello país peruano al desenvolvimiento y adelanto de su agricultura, industria y comercio, y al desarrollo de sus grandes recursos.

Nosotros abrigamos los más cordiales deseos por vuestra prosperidad. Estamos contentos de que las relaciones del pasado den prestigio a nuestro continente; estamos orgullosos de la amistad tradicional entre el Perú y los Estados Unidos; y alentamos la esperanza de que esta buena amistad ño sólo se perpetúe, sino que se afiance y cobre fuerzas en el porvenir, y que cada año que pase nuestras relaciones lleguen a ser más íntimas, más estrechas, y más fraternales. Así es de esperarse de los miembros de una gran familia, que habitan el mismo continente, que tienen el mismo ideal, y a quienes les espera el mismo destino.

Esperamos que la hermosa tierra de los Incas siga por la senda emprendida, del progreso y bienestar, para su felicidad en el porvenir, cada vez de más risueño aspecto.

Brindo, señores, por la República Peruana, por nuestro ilustre anfitrión, y por las distinguidas damas que adornan esta fiesta.

### Discurso del Sr. Luís G. Rivera,

PRONUNCIADO EN LA RECEPCIÓN DADA EN EL CENTRO UNIVERSITARIO,  
LIMA, 7 DE NOVIEMBRE DE 1913

*Señor Bacon:*

Es altamente honroso para el Centro, institución representativa de la juventud universitaria, abrir sus puertas para recibirlo en la modesta casa de los estudiantes. La juventud, que conoce perfectamente vuestra obra, que ha seguido constantemente vuestros pasos, y que admira la pujanza y grandeza de vuestro pueblo, quiere que, antes que abandonéis esta capital, dejéis en la sencilla casa, habitada por jóvenes que profesan el mismo culto que vos, una cariñosa huella, una palabra sincera de aliento y de estímulo para la juventud peruana, que ama intensamente la verdad, respeta la justicia y anhela fervorosamente que el bien supremo de la paz reine por encima de mezquinos intereses y efímeras divisiones.

Señor Bacon: Cuando tornéis a vuestra ilustre Universidad, sed portador de nuestro más afectuoso saludo a vuestros discípulos; decidles que aquí en la tierra de los Incas tienen muchos camaradas y amigos que tienen los mismos ideales y sienten los mismos entusiasmos: y vos, egregio maestro, contad para vuestra tarea

con nuestro decidido concurso, teniendo presente, en todo momento, que la juventud peruana hace suya vuestra noble misión y sostendrá siempre con fe la bandera de la paz, blanca como las más altas cumbres de los Andes.

### Discurso del Dr. Manuel F. Bellido,

PRONUNCIADO EN LA RECEPCIÓN EN EL COLEGIO DE ABOGADOS,  
LIMA, 8 DE NOVIEMBRE DE 1913

*Señores:*

Tiene hoy el Colegio de Abogados de Lima el honor de incorporar como su miembro honorario al ilustre señor Roberto Bacon quien llega a nosotros precedido de la justa fama de sus personales merecimientos. Ella os lo ha hecho conocer y sabéis que el hoy síndico de la Universidad de Harvard, ha sido Subsecretario de Estado, Jefe de Cancillería y Embajador de su país en Francia; y que viene desempeñando importantísima misión en servicio de la más noble de las causas: la de la paz entre las naciones civilizadas.

Este bello ideal que concibiera el gran filántropo Mr. Andrew Carnegie lo indujo a entregar, como donativo destinado a procurar los medios de alcanzarlo, la suma de diez millones de dólares. Podrá o no conseguirse en un futuro más o menos remoto la realización de tan magno propósito, pero Mr. Carnegie ya ha conquistado el homenaje de todos los hombres de buena voluntad.

Los fideicomisarios encargados de la administración del cuantioso donativo, constituídos en asociación, han fijado como fines de ella los siguientes:

- a) Promover y fomentar la investigación científica y el estudio de las causas de la guerra, así como métodos prácticos para impedir la y evitarla;
- b) Ayudar al desenvolvimiento del Derecho internacional hacia un acuerdo universal sobre las reglas del mismo y para la aceptación de éstas entre las naciones;
- c) Difundir información y educar la opinión pública acerca de las causas, naturaleza y efectos de la guerra y medios encaminados a entorpecerla, estorbarla y evadirla;
- d) Establecer una mejor inteligencia de derechos y deberes internacionales y un sentido de justicia más perfecto entre los habitantes de los países civilizados;
- e) Fomentar sentimientos de amistad entre los habitantes de los distintos países y acrecentar el conocimiento e inteligencia común entre las naciones;
- f) Promover la aceptación general de los medios pacíficos en el arreglo de las disputas internacionales;
- g) Mantener, fomentar y auxiliar aquellos establecimientos, organizaciones, sociedades y agencias que se estimen útiles o necesarios para la consecución de los fines de la Fundación.

El ilustre señor Bacon viene comisionado por la Fundación Carnegie a servir tan bello programa.



Son muchos los que creen una utopía conseguir la abolición de las guerras entre las naciones civilizadas, pero aun para aquéllos los fines de la institución han de merecer no sólo simpatía sino propósito de cooperación; pues, como decía ayer en la Universidad de San Marcos el Señor Bacon, bien podíamos designar a la Fundación Carnegie: Fundación para la Amistad Internacional. Coadyuveremos todos a esa amistad que la paz será su consecuencia necesaria.

Y si esa consecuencia es sólo una utopía, tengámosla siempre como ideal de la humanidad, que nos sirva de aliento en el peregrinaje, y conservemos la fe en la eficacia de nuestra labor en pró de su realización. Si, por el contrario, la paz entre las naciones civilizadas ha de llegar a ser una hermosa realidad, no nos detengamos en averiguar la fecha del triunfo, él será obra no de individuos sino de naciones; no la verán los hombres de la actual generación, pero disfrutarán de ella sus descendientes. Y esto no debe desalentarnos; trabajemos como el sembrador de robles, no para nosotros sino para los que han de venir después; pongamos nuestro contingente en provecho de la humanidad futura.

Ilustre Señor Bacon: entre los objetivos de la misión que venís desempeñando, figura el de "ayudar al desenvolvimiento del Derecho internacional hacia un acuerdo universal sobre las reglas del mismo y para la aceptación de éstas entre las naciones". Los miembros de este Colegio, por razón de profesión, están obligados a ocuparse de este desenvolvimiento de una de las ramas de la ciencia del derecho, y espero que le prestarán la debida atención.

A vos, señor, que os ocupáis de este punto íntimamente relacionado con nuestra profesión, os hemos conferido el título de miembro honorario de este Colegio y el haberlo vos aceptado es considerado por nosotros como un honor que se nos hace. Así figurará vuestro nombre al lado de otros también muy ilustres, como el del eminente señor Elihu Root que constituyen honroso timbre para esta corporación.

Ilustre Señor Bacon: quedáis incorporado al Ilustre Colegio de Abogados de Lima.

### Discurso del Dr. Aníbal Maúrtua

*Señores:*

El ilustre Colegio de Abogados de Lima acaba de realizar un acto meritorio y justiciero, incorporando como miembro honorario al señor Roberto Bacon, notable estadista norteamericano que nos ha proporcionado el honor y el placer de su visita en el desempeño de la misión que le ha confiado la Fundación Carnegie para la Paz Internacional.

Antes de ayer, en el notable discurso que pronunció en la Universidad Mayor de San Marcos, con motivo de ser incorporado como doctor honorario de la Facultad de Jurisprudencia, el señor Bacon ha expuesto ampliamente los fines y propósitos de las mencionada institución. La fundación Carnegie no es una asociación de simple propaganda pacifista, sino una institución científica que,

como la expresó el señor Elihu Root, en la primera reunión de los Síndicos, el 14 de diciembre de 1910, tratará de obtener una percepción más profunda de las enfermedades sociales de la humanidad, "una de las cuales es la guerra". Entra en sus propósitos, principalmente, investigar las causas de la guerra, así como sus efectos sobre los neutrales y beligerantes, con el fin de estar siempre en situación de recomendar los medios que deben adoptarse para evitarla en cuanto sea posible. La Fundación Carnegie, en una palabra, es una institución altamente civilizadora y recomendable al respeto universal.

Señor Bacon: podéis llevar al fundador y a los Síndicos de la Fundación las seguridades de que aquí, en el Perú, secundaremos con todo empeño los propósitos humanitarios de esa institución. Nos imponen ese deber no solamente los altos fines de armonía y confraternidad humanas que ella persigue, sino el desarrollo incalculable que alcanzarán nuestras relaciones con los Estados Unidos de América, Europa y Asia una vez que en 1915 el Istmo de Panamá sea entregado al tráfico mundial.

Señores: no debemos olvidar la influencia que dos grandes acontecimientos americanos han ejercido en la vida social, económica y política de los demás pueblos de la tierra. El descubrimiento del Nuevo Mundo varió las corrientes del comercio y del poder político de Europa, Africa y Asia. Se trasladó del Oriente al Occidente. La independencia de la América, igualmente, ejerció en los destinos de la humanidad influencias notables. La América independiente estableció la tolerancia religiosa, que el Mundo antiguo está ejercitando actualmente en bien de la conciencia humana. La América libre, asimismo, creó instituciones democráticas que en el día están tomando carta de naturaleza en las viejas monarquías. La América, una vez que conquistó su libertad política, asimiló al inmigrante y constituyó las subrazas del yankee en el Norte y el criollo en Sur América, otorgándoles la mayor amplitud de derechos civiles y políticos de que carecen algunas razas humanas. En la América es donde todos los hombres de trabajo, sin distinciones ni privilegios, han aprendido a formar cuantiosas fortunas que han abierto el espíritu de sus poseedores a obras tan humanas como la realizada por Mr. Andrew Carnegie, filántropo y millonario escosés, establecido desde 1848 en la América del Norte. Ha sido este continente, por último, donde se ha proclamado y ejercitado con más eficacia el principio del arbitraje como medio de evitar la guerra entre las naciones.

La apertura del Canal de Panamá, que constituirá el tercer acontecimiento americano, va a ejercer, indudablemente, mayor influencia en el desarrollo de las relaciones comerciales y políticas de Europa y Asia.

En las relaciones de ambas Américas, particularmente, ejercerá acción eficaz respecto a la educación, al sentimiento de continentalidad y a la conciencia política de la América Latina. En la América del Norte la educación es por completo popular. La instrucción y educación han logrado un desarrollo notable, elevando el nivel moral e intelectual de las masas que trabajan y producen. Allá la educación es más eficaz para la vida del hombre. En Sur América, en algunos con-

ceptos, nuestra mentalidad todavía es europea, lo que no es provechoso para el bienestar del pueblo.

El espíritu panamericano tampoco está arreglado en todas estas nacionalidades, no obstante la doctrina Monroe y la hegemonía de Norte América han facilitado el desarrollo de estas nacionalidades.

Nuestras aspiraciones y pensamientos, por último, no son esencialmente americanistas, ni tenemos idea del rol que desempeñamos en el equilibrio universal.

Y bien, la Fundación Carnegie, con su amplísimo programa educacional, económico y político, adelantándose a los acontecimientos del porvenir nos presenta el cuadro integral del panamericanismo en sus líneas generales. Para la orientación futura de estos pueblos y para el equilibrio político de Europa y América tiene dos méritos recomendables: La consagración de la independencia nacional para cada uno de los Estados que vienen desarrollándose en el continente; y el progreso del comercio y el intercambio intelectual, resortes que en el futuro impedirán la guerra entre las naciones, como lo deseamos todos los americanos de buena voluntad.

### Respuesta de Mr. Bacon

SEÑORES: Los agasajos que he recibido de la muy culta sociedad limeña, unidos a los que me han sido tributados por el Gobierno y distinguidas corporaciones en vuestro mundo intelectual, embargan mi alma de sincero e intenso reconocimiento.

El hecho de que la simpatía que os han inspirado mi misión y mi Universidad, ha sido motivo de que el ilustre cuerpo de abogados me otorgue el muy honroso título de miembro honorario del Colegio de Abogados, me colma de satisfacción. Esta insigne distinción que se me hace es para mí de gran valía. Me siento muy honrado, señores abogados limeños, de llamarme vuestro compañero.

Antes de ayer expuse brevemente los motivos principales que me han traído a este país. De acuerdo con la bondadosa invitación que se me ha hecho, hablaré ahora más extensamente de uno de ellos, quizás el que con más eficacia ha de ayudar a la obra de la unión intelectual panamericana; me refiero al afianzamiento del Instituto Americano de Derecho Internacional, y a la formación de sociedades nacionales de Derecho internacional.

“Ubi societates, ibi jus.” Donde hay una sociedad de naciones, existe una ley de naciones. A medida que crece o cambia la sociedad, se desarrolla o modifica la ley para adaptarla a las nuevas condiciones. Una nación no puede existir y llenar su misión separada y aparte de la sociedad, como tampoco el hombre puede vivir aislado. Eso siempre ha sido así, y es tan evidente que Aristóteles dijo que el hombre es un animal político, porque los hombres tienden a formar una sociedad, grande o pequeña, y organizarse en grande o pequeña escala para un fin político.

Como con el hombre, así con la nación. No puede existir para sí; es una unidad política, un cuerpo político, una persona moral. Es miembro de la sociedad de las naciones que ha resultado de la mera existencia de las naciones y las necesidades de relaciones mutuas, o fué admitida a la sociedad al ser reconocida como miembro por las demás, y así han entrado todos los países del Continente Americano. Al llegar a ser miembro cada nación adquiere los mismos derechos que poseen las demás y en igual grado. Cada nación es igual bajo las reglas que rigen la sociedad, y al mismo tiempo se sujeta a las obligaciones que imponen dichas reglas, porque derechos y obligaciones son términos correlativos. El derecho de una es el derecho de todas; la obligación de cada una es respetar los derechos de las demás. La independencia no significa el derecho de actuar sin referencia a los demás miembros de la sociedad; porque el dejar de respetar los derechos de los demás es la infracción de un deber; su resultado sería la anarquía, la cual es incompatible lo mismo con el bienestar de los miembros de la sociedad como con su progreso y su mera existencia. Tal estado de cosas es imposible entre los hombres y es igualmente imposible entre las naciones. Aunque el Derecho internacional no está tan desarrollado ni es tan adecuado como las leyes internas de cada miembro de la sociedad de las naciones, estamos lejos del estado de las cosas que el filósofo Hobbes definió como un "*bellum omnium contra omnes*".

Aunque podemos aceptar el principio de igualdad sin restricciones, debemos considerar la independencia en el sentido de que una nación no puede actuar con infracción de los derechos de otras naciones, tal como los individuos renuncian a su libertad absoluta de acción para que sus derechos sean observados y protegidos como los de los demás.

La independencia natural e imperceptiblemente llega a ser interdependencia, aunque sin poner en duda la igualdad de las naciones y su derecho de quedar libres de intervención por parte de las otras.

¿Cuál es, entonces, esta ley de la sociedad de las naciones que todas las naciones reconocen y aplican o deben aplicar en sus relaciones con las demás naciones? Sin tratar de definirla—para mi propósito actual es suficiente referirme a su existencia y a la necesidad de su existencia—puede decirse que la referida ley es el Derecho internacional, que ha nacido para llenar las necesidades de las naciones. Una vez sólo en posesión de pocos—los filósofos, los juristas y los estadistas—ya pertenece a todos. Ya no es preciso buscarlo exclusivamente en las prácticas de las naciones según los archivos de los ministerios de relaciones exteriores, sino que se encuentra en forma sistemática, en los libros del norteamericano Wheaton, en el tratado magistral del suramericano Calvo, y en las obras de muchos otros distinguidos autores.

En tiempos pasados, cuando unos pocos hombres gobernaban la nación y dirigían sus relaciones exteriores, no era tan necesario que el Derecho de las naciones fuera estudiado y conocido por el pueblo. Pero en los últimos cien años se ha efectuado un cambio en el mundo. En imperio, reino o república los

jefes son responsables ante el pueblo, para cuyo beneficio tiene que administrarse el gobierno. El pueblo de cada país ha llegado a ser dueño de la situación, y es preciso instruir a nuestros dueños, no solamente en cuanto a sus derechos, sobre los cuales ya tienen algún conocimiento, sino también en cuanto a sus obligaciones, sobre las cuales todos necesitamos ser enseñados. El pueblo posee el poder y el deber de ejercer influencia en las relaciones exteriores, y como el pueblo al fin y al cabo es responsable del manejo correcto de las relaciones exteriores y tiene que sufrir los errores de su gobierno, resulta necesariamente que debe prepararse para su responsabilidad por medio de un conocimiento amplio de los principios del Derecho internacional.

No quiero decir que cada votante sea un licenciado en Derecho internacional, ni es preciso que sea así. Es muy importante, sin embargo, que grandes grupos del pueblo tomen interés en el derecho que rige las relaciones internacionales y por medio del cual se determinan los derechos y las obligaciones de las naciones. Sólo por medio de un conocimiento del Derecho internacional puede formarse una buena opinión pública sobre cuestiones de política extranjera; y como la opinión pública determina la política extranjera, es evidente que el conocimiento de los principios del Derecho internacional debe estar diseminado suficientemente para formar una opinión pública, sobre bases justas, en cada una de las naciones que pertenecen a la sociedad de las naciones.

He usado la frase "sociedad de las naciones" como más exacta y significativa que la de "familia de las naciones", pero en un sentido más amplio la idea de una familia es de especial aplicación a las veintiuna repúblicas del Nuevo Mundo, con igual origen, con formas parecidas de gobierno, y con idénticas esperanzas y aspiraciones. Limitándonos al problema americano, ¿cómo podremos desarrollar el Derecho internacional de modo que responda a las necesidades crecientes de las veintiuna repúblicas americanas, cómo podremos formular las reglas de derecho que son necesarias para decidir nuestros problemas, cómo podremos dirigir nuestras relaciones mutuas de modo que no se turbe la armonía que debe existir entre los países del mismo continente, y cómo podremos esparcir el conocimiento de estos asuntos entre las clases que forman la opinión pública en cada una de las repúblicas?

Es de esperarse que las Conferencias Panamericanas continúen, que se inaugure el intercambio regular de profesores y de estudiantes, que se conozcan generalmente las instituciones de cada país y las contribuciones de cada una al bien común, y que las visitas de hombres representativos creen relaciones sociales, amistad y simpatía; pero las relaciones de las naciones dependen del conocimiento y de la diseminación de justos principios de derecho y de su aplicación a las disputas que no pueden dejar de surgir entre los miembros de la misma familia.

¿Cómo puede desarrollarse este derecho, y una vez formulados los principios, cuál es el mejor método de diseminarlos? De la contestación de esta pregunta dependen en gran medida las futuras relaciones entre los países americanos.

Está demás argumentar que una ley, para afectar a todos, tiene que ser hecha por todos, es decir, tiene que ser el resultado de la cooperación. El Derecho internacional no es el derecho de ninguna nación determinada, no se hace por ninguna nación determinada, no se impone por ninguna nación determinada, no puede ser cambiado por ninguna nación determinada. El derecho puede ser codificado donde existe, y creado, donde no existe, por la acción de los gobiernos, tal como tratan de hacerlo los Estados de América, habiéndose empezado ya el trabajo en una sesión de juristas americanos celebrada en Río de Janeiro en junio del año pasado. Pero los gobiernos se mueven despacio, y cuando se mueven con demasiada rapidez y adelantándose a la opinión pública, su obra no es de duración. ¿No sería conveniente una cooperación particular, es decir, científica, entre los publicistas de América?

Una sociedad particular en Europa, el Instituto de Derecho Internacional, fundado en el 1873 por indicaciones de un distinguido norteamericano, Francis Lieber, y del cual el distinguido suramericano, Calvo, fué uno de los fundadores, ha hecho más que cualquiera otra fuerza aislada para desarrollar el Derecho internacional. Sus proyectos sobre varias fases de Derecho internacional, sus acuerdos, sus declaraciones de derecho antiguo y nuevo, han sido aceptadas por los especialistas, y sus proposiciones han sido aceptadas por los gobiernos por su valor práctico. Paulatina y cuidadosamente, científicamente y sin error, ha resuelto problema tras problema y producido un modelo de correcta codificación tras otro. Una gran parte de sus trabajos fué adoptada por las Conferencias de La Haya, especialmente el código de procedimiento arbitral, el código de guerra por tierra, sus indicaciones sobre un tribunal de presas marítimas, y hasta podría decirse que hizo posible el trabajo de La Haya. Preparó el camino y suministró proyectos que podían ser aceptados con pocas modificaciones por las Conferencias. La labor paciente de una sociedad no oficial, compuesta de publicistas que representan la ciencia y no a los gobiernos, suministró forma y sustancia a la conferencia oficial. No puede ponerse en duda que a una codificación oficial del Derecho internacional debe preceder el interés y la labor cuidadosa, paciente e inconspicua de hombres científicos, si la codificación ha de comprender justos principios de derecho que pueda adoptar la sociedad de las naciones, en vez de transacciones sobre intereses opuestos de los gobiernos.

¿No creéis que hay sitio para un Instituto Americano de Derecho Internacional, compuesto de un número igual de publicistas de cada uno de los países americanos, que podría hacer por nuestro continente lo que el Instituto más antiguo ha hecho por el mundo en los últimos cuarenta años? ¿No podría tal Instituto trabajar en armonía con sociedades nacionales de Derecho internacional en cada capital americana? ¿No podrían estas sociedades nacionales unir a todas las personas que estén interesadas en el Derecho internacional, crear tal interés donde no existe, y formar un centro en cada país para el estudio y la popularización del Derecho internacional?

Dos publicistas americanos, creyeron así, y, después de conferenciar con otros distinguidos publicistas del continente y recibir su aprobación, establecieron provisionalmente el Instituto Americano de Derecho Internacional. Los miembros del antiguo Instituto son de esta opinión, según se desprende de su alabanza entusiasta del proyecto. Y así lo cree el distinguido estadista norteamericano, Elihu Root, que ha aceptado la presidencia honoraria del Instituto.

En un discurso pronunciado al abrirse el Vigésimo Congreso de la Paz en La Haya en el mes de agosto del corriente año, el eminente publicista holandés, Profesor de Louter, hizo referencia a tres asuntos alentadores de fecha reciente, los tres de origen americano. El primero fué la codificación del Derecho internacional propuesto por las Conferencias Panamericanas y empezada por el Congreso de Juristas Americanos que se reunió en Río de Janeiro en junio de 1912; el segundo fué la formación del Instituto Americano de Derecho Internacional, fundado por la feliz cooperación de publicistas de la América del Norte y de la del Sur; el tercero fué la creación y el proyectado trabajo de la Fundación Carnegie para la Paz Internacional.

Haré ahora una breve referencia a las sociedades nacionales que deben formarse y afiliarse al Instituto, cuyos miembros serán escogidos de los miembros de las sociedades nacionales. Al fundarse el Instituto europeo se pensaba en sociedades nacionales, pero de hecho no se formaron ningunas hasta después de fundarse el Instituto Americano. En febrero del año en curso, se fundó la Sociedad Francesa de Derecho Internacional. Si en Francia una sociedad nacional es necesaria y puede hacer trabajos útiles, es justo suponer que también puede formarse una sociedad nacional en cada una de las Repúblicas americanas y que podrá hacer trabajos útiles e importantes. La sociedad francesa publica un boletín modesto, y lo mismo podría hacer cada sociedad americana. El intercambio de boletines informaría a todas las sociedades nacionales sobre el trabajo de las demás. El Instituto Americano no tendría que fundar ninguna nueva revista de derecho, porque la Revista Americana de Derecho Internacional, publicada ahora por la sociedad norteamericana con una traducción española, podría modificarse para hacerla el órgano del Instituto sin gastos para éste. Sería repartida entre los miembros del Instituto y los de las sociedades nacionales. Así la sociedad internacional tendría una revista internacional y cada sociedad nacional un boletín nacional. Por medio de estas publicaciones todos los trabajadores en el campo de asuntos internacionales quedarían en relaciones estrechas e íntimas. En vez de trabajar aisladamente, todos seguirían unidos para un fin común, y el Derecho internacional sería desarrollado y popularizado por las naciones de un continente.

Para terminar permítaseme indicar cómo es que el Instituto Americano podría ayudar a la Fundación Carnegie en su misión. Al Instituto antiguo se pidió que actuara como consejero de la División de Derecho Internacional de la Fundación. Éste aceptó la invitación y nombró un comité formado por los publicistas más eminentes europeos, y así la División tiene la mejor ayuda que puede obtenerse en Europa en cuanto a la clase y a los métodos de sus trabajos. En vista

de los servicios inapreciables que rinde dicho Instituto, la Fundación le hace una subvención, la cual se emplea en pagar los gastos de viaje de los miembros del Instituto, que se reúne en distintos países todos los años, en pagar los gastos de sus comisiones, y en la preparación y publicación de sus valiosos informes.

Si el Instituto Americano se establece firmemente, con las sociedades nacionales y afiliadas, ¿no podría esperarse que se pidiera al Instituto Americano que aconseje a la División de Derecho Internacional de la Fundación en cuanto a todos los problemas de naturaleza americana, y no justificaría el Instituto, el que se le preste la ayuda monetaria que fuera necesaria y que sería empleada del mismo modo que la subvención que se hace al Instituto Europeo?

El Señor Root, Presidente Honorario del Instituto Americano de Derecho Internacional, y Presidente efectivo de la Sociedad Norteamericana de Derecho Internacional, me ha encargado solicitar encarecidamente que prestéis vuestra valiosa cooperación al Instituto Americano de Derecho Internacional, para hacerlo un instrumento poderoso en el desarrollo del derecho, desempeñando para América y para el mundo la misma misión que desempeña el Instituto antiguo para Europa y para el mundo, y solicitar asimismo que forméis una sociedad nacional de Derecho internacional, afiliada al Instituto Americano.

Si os asociáis con nosotros en esta obra de unión intelectual, si los países latinos de la América y los Estados Unidos se unen en un continuo esfuerzo en pro del mejoramiento de las relaciones entre las naciones, si todos los países de nuestro hemisferio trabajan al unísono hacia un ideal común, entonces se creará una poderosa fuerza por el bien, que no podrá dejar de beneficiar tanto a nuestro continente, como al mundo entero y a la humanidad.

Al concluir, deseo manifestaros mis más leales y sinceros sentimientos del alto concepto que me merece este ilustre Colegio de Abogados, digno representante del foro peruano, y mis esperanzas de que la justicia y el derecho se impongan siempre, para garantía de vuestros conciudadanos.

### Discurso del Sr. José Balta,

PRONUNCIADO EN LA RECEPCIÓN DADA EN LA SOCIEDAD GEOGRÁFICA,  
LIMA, 8 DE NOVIEMBRE DE 1913

*Honorable Señor Bacon:*

Es muy satisfactorio para mí, poner en vuestras manos el diploma de miembro honorario de la Sociedad Geográfica.

El lema de la institución que representáis viene bien a toda asociación de hombres de estudio, que, sin olvidar su patria, trabajan en beneficio de la humanidad, y, es especialmente apropiado a las sociedades geográficas, para las cuales la Tierra no es sino un organismo en evolución constante a travéz de los tiempos, y la especie humana un conjunto de seres idénticos, sin que basten a formar con ellos grupos esencialmente diferentes, ni mucho menos hostiles, el color de la piel, ni la forma de las facciones.



Dentro del concepto de patria cabe en el terreno científico la supresión de las fronteras y de todo prejuicio racial, y, por consiguiente, sincera amistad entre las naciones.

Sed, pues, bienvenido a nuestra modesta institución, que ojalá pudiera ostentar la divisa de la Smithsonian, esa otra hermosa creación norteamericana: "*The increase and diffusion of knowledge among men*", junto con las palabras que sintetizan el programa de la Fundación Carnegie: *pro patria per orbis concordiam*.

### Respuesta de Mr. Bacon

Permitidme, señores, expresaros mi agradecimiento sincero por vuestras cordiales palabras respecto a mi misión y a mi persona, y por la especial distinción con que me habéis honrado al otorgarme el título de miembro honorario de vuestra sociedad. Me siento profundamente conmovido por esta manifestación de amistad, la cual, os aseguro, aprecio altamente.

Los fines de vuestra sociedad son especialmente atractivos para mí. La investigación de problemas y misterios geográficos no es solamente un estudio fascinador e invaluable en sí; la difusión de conocimientos geográficos ha unido a los pueblos en relaciones más íntimas y ha contribuído al desarrollo y esparcimiento de la civilización, y por consiguiente, de la amistad internacional y de un sentimiento internacional.

Es conveniente, es necesario, que las naciones trabajen juntas para ayudar al adelanto de la civilización. Ninguna nación, más que cualquier hombre, puede vivir por sí sola, y la cooperación de las naciones es tan esencial para el progreso del mundo como lo es la cooperación de individuos para el adelantamiento de la sociedad.

Geográficamente, la América es una unidad; industrialmente, sus miembros vienen en contacto más y más íntimo; e intelectualmente, cada uno debe contribuir al conocimiento y al adelanto de todos.

Os reitero, señores, las gracias por vuestra afectuosa acogida y por el honor que me habéis conferido.

### Discurso del Dr. Romero,

PRONUNCIADO EN EL BANQUETE DADO POR LA FACULTAD DE LA UNIVERSIDAD DE SAN MARCOS,  
LIMA, 9 DE NOVIEMBRE DE 1913

*Señores:*

Yo no traigo preparado el discurso que debería corresponder al mérito del personaje a quien agasajamos, y a la gran importancia de la misión que le ha sido confiada; y no lo preparé porque, con la opinión de mis compañeros de Facultad, juzgué que no cabía discurso cuando se trataba de uno de los nuestros. Así es, en efecto, señores, nosotros hoy festejamos con esta comida que el Sr.

Bacon nos haya honrado incorporándose a nuestra Facultad como miembro honorario de ella: celebramos lo que para nosotros es de gran valía.

Desde muy antiguo se han celebrado con banquetes los faustos acontecimientos y los motivos de gran solemnidad. Se ha querido con ellos procurar momentos de más intimidad, de realizar materialmente lo que ya existía por la comunión que simboliza la fraternidad de las almas, que tienen los mismos ideales, y que aspiran a idénticos resultados en lo que para ellas es grande o benéfico.

Nosotros celebramos con esta comida el alto honor que nos ha dispensado el Sr. Bacon; queremos expresar con ella nuestra complacencia por su incorporación a nuestra Facultad; y juntos en la misma mesa, sin fórmulas de la estricta cortesía que nos vedaría salir de los límites por ella fijados, decirle cuánto le estimamos, cuánto nos alegra que el miembro distinguidísimo de una gran Universidad de América haya querido visitar nuestro país, y nos haya obsequiado, en brillantes palabras, la exposición de los fines que persigue en su muy alta misión.

Si no cabía pues pronunciar discursos por que uno de los nuestros se encuentra en la mesa de su propia casa; si su llegada no sugiere sino entusiasta acogida y esa alegría se traduce únicamente con manifestaciones de sincero afecto, sólo debemos exteriorizar éste, y por ello me limito a rogaros, estimados compañeros, que me acompañéis á brindar por la salud del Sr. Bacon; por la de su muy estimable familia, y por que lleve consigo la más grande satisfacción por el completo éxito que ha alcanzado en la realización de los fines de esa benéfica institución que, independientemente de sus indiscutibles méritos, nos ha proporcionado el honor y la muy grande satisfacción de tener al Sr. Bacon entre nosotros.

### Respuesta de Mr. Bacon

*Señor Rector, Señores:*

Una vez más me complazco en expresaros mi agradecimiento sincero y el gran aprecio que siento, señor Rector y distinguidos miembros de la Facultad Universitaria, por los honores y distinciones con que me habéis colmado.

Os aseguro, señores, que estoy hondamente impresionado por la fina cortesía y cariñosa hospitalidad que me habéis demostrado y por vuestros espontáneos y generosos ofrecimientos de ayuda en un trabajo de unión intelectual. El recuerdo de vuestro afecto contribuirá a que sea más deliciosa, más agradable, la impresión que ha hecho en mí, vuestro admirable país, vuestra histórica capital, y vuestro extremadamente simpático pueblo.

Algunas veces se cree que es un soñador aquel que habla de la amistad internacional, del sentimiento que gobierna todo lo demás en el mundo. Pero no es un sueño decir que el mundo, a través de las edades, va adelantando de lo material a lo espiritual, a lo moral, a la vida intelectual. No podemos ver esto en un día, como no podemos ver el movimiento de la marea. Vemos las olas, pero la marea se mueve imperceptiblemente. El progreso, el continuo e irresistible progreso de la civilización, sigue siempre adelante.

Los medios de comunicación están facilitando no sólo el comercio y la industria, sino que están actualmente acercando las varias nacionalidades en unión social e intelectual. Los viajes, el intercambio personal, y un conocimiento de los diferentes países y de sus instituciones, propenden a remover las causas de sospecha que desgraciadamente existen entre las naciones y los pueblos que no llegan a tener relaciones estrechas. Las conferencias internacionales ayudan grandemente al acercamiento de los pueblos. La influencia de las conferencias panamericanas y de las latinoamericanas ha sido notable. Es motivo de gran satisfacción ver congresos como el Congreso Médico que acaba de reunirse en esta ciudad, compuesto de médicos distinguidos de toda la América. Tales congresos no sólo tienen resultados valiosísimos para la ciencia; sus efectos para estrechar los vínculos entre los países no son menos importantes. La profesión médica en la América Latina merece los más calurosos aplausos y felicitaciones; sus miembros, reunidos en congresos internacionales, han contribuído de una manera brillantísima al bienestar del mundo, y al desarrollo de sentimientos de amistad y de fraternidad entre las naciones. Por medio de vos, señor Rector, quisiera expresar mis cordiales saludos y buenos deseos al señor Decano de la Facultad de Medicina y a los señores miembros del Congreso Médico.

Nuevamente, señor, os doy las gracias por vuestra hospitalidad. Aunque mi permanencia en la hermosa tierra peruana ha sido corta, no por eso olvidaré la halagadora impresión que sentí desde el primer momento de llegar a ella. La grandiosa historia del Perú había cautivado mi interés; la afectuosa cordialidad y el afable carácter de los peruanos atrajeron mis simpatías; y después, al ver el gran progreso que se nota aquí, tanto en el orden intelectual como en el material, a mi interés y mi simpatía se ha unido mi admiración. Al dejar esta encantadora ciudad de los Reyes, llevo conmigo afectos personales, verdaderas amistades para el porvenir, y no quiero decir a mis amigos peruanos "adiós", sino "hasta otra vista".

Brindo, señores, por la Universidad de San Marcos, por su digno Rector, y por su ilustre Facultad.

### Carta del Dr. Juan Bautista de Lavalle,

EN LA QUE ACEPTA LA SECRETARÍA DE LA SOCIEDAD DE LA CONCILIACIÓN INTERNACIONAL  
DEL PERÚ,

LIMA, 8 DE NOVIEMBRE DE 1913

AL HONORABLE SEÑOR DON ROBERTO BACON,

*Muy estimado Señor:*

Es para mí muy grato el aceptar el nombramiento con que ha querido honrarme designándome como Secretario de la Asociación para la Conciliación Internacional que deja establecida en el Perú, dando realidad a su nobilísima misión, y destinada a relacionar sus labores con la asociación, fundada en Wash-

ington por el eminente Presidente de la Universidad de Columbia, Dr. Dn. Nicholas Murray Butler y con la institución originaria creada en París por el Baron d'Estournelles de Constant, así como con las recientes fundaciones establecidas en las naciones latinoamericanas que viene recorriendo en su apostólica gira.

A ningún espíritu culto pueden ser indiferentes la simpática divisa, el generoso programa, la elevada misión de la Asociación para la Conciliación Internacional, trazada de tan magistral manera por el Baron d'Estournelles de Constant, por el ilustre Elihu Root y por Ud. mismo: "El verdadero patriotismo consiste en servir a la patria. No es suficiente estar siempre listo a defenderla: precisa evitarle dificultades y peligros inútiles, y desarrollar, por medio de la paz, sus fuerzas, sus recursos y su comercio." "El objeto de la Conciliación Internacional es desarrollar la prosperidad nacional bajo los auspicios de buenas relaciones internacionales y organizar estas buenas relaciones sobre una base permanente y durable". "Debemos hacer el trabajo que encontremos a la mano, con la esperanza de que cada esfuerzo tendrá un resultado, aunque nosotros no lo veamos."

Cúmpleme asimismo agradecer el precioso obsequio de la insignia de la institución, la bellísima alegoría que grabara Eugène Carrière y que ostenta el tan sugestivo lema: Pro Patria per Orbis Concordiam.

Con los sentimientos de mi más alta consideración quedo como su obsecuente servidor.

JUAN BAUTISTA DE LAVALLE.

## APÉNDICE VII

### *Monografías Impresas y Distribuidas en la América Latina*

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#### 1. La Fundación Carnegie para la Paz Internacional

El 14 de diciembre de 1910, el Sr. Andrew Carnegie puso en manos de veinte y ocho Síndicos la suma de diez millones de dólares, de los cuales la renta anual de \$500,000 había de administrarse "para el fin de activar la abolición de la guerra internacional", la que declaró ser "la mancha más sucia en nuestra civilización". "Una nación", declaró además en la carta con la cual acompañó su donación, "es criminal si rehusare someter un asunto al arbitraje y forzare su adversario a recurrir a un tribunal que no sabe nada respecto de un juicio recto".

En su primera reunión después de haber recibido la donación, los Síndicos eligieron Presidente al Sr. Elihu Root, Vicepresidente al Sr. Joseph H. Choate, y Secretario al Sr. James Brown Scott. Subsiguientemente el Sr. Charlemagne Tower fué elegido Tesorero.

Con su acostumbrado juicio, el Sr. Carnegie dejó en manos de los Síndicos sin restricción alguna el poder de crear la organización y establecer las agencias que habían de llevar a cabo los fines fundamentales para el cual se había establecido la Fundación. En este sentido decía en la carta a la cual acompañaba la donación: "No es posible establecer juiciosamente las reglas que han de gobernar una acción futura. Es posible que hayan de probarse muchas, y teniendo, como la tengo, plena confianza en mis Síndicos, a ellos les dejo la mayor discreción en cuanto a las medidas y la política que han de adoptar de tiempo en tiempo, asertando solamente que el único fin que han de tener en mira incesantemente hasta que se llegue a él es la abolición pronta de la guerra internacional entre las llamadas naciones civilizadas."

Los Síndicos resolvieron que la institución debería llamarse la Fundación Carnegie para la Paz Internacional, y se nombró una comisión especial encargada de formular los fines y propósitos de la Fundación. Esto constituyó una tarea árdua, debido a que las opiniones del Sr. Carnegie habían sido expresadas en términos generales. Después de mucha deliberación y pensamiento, los Síndicos, en marzo 9 de 1911, adoptaron la siguiente resolución:

Que los objetos de la corporación serán fomentar la causa de la paz entre las naciones, activar la abolición de la guerra internacional, y fomentar y promover el arreglo pacífico de las diferencias internacionales, y en especial

- a) Fomentar una investigación completa y científica y un estudio de las causas de la guerra y de los medios prácticos para prevenirla y evitarla.
- b) Coadyuvar en el desarrollo del Derecho internacional, y un arreglo general con relación a las reglas respectivas, y su aceptación entre las naciones.
- c) Difundir informaciones, y educar la opinión pública con respecto á las causas, naturaleza y efectos de la guerra, y los medios para prevenirla y evitarla.
- d) Establecer una mejor inteligencia respecto de los derechos y obligaciones internacionales y un sentimiento más perfecto de la justicia internacional entre los habitantes de los países civilizados.
- e) Cultivar sentimientos de amistad entre los habitantes de los diferentes países, y aumentar el conocimiento y entendimiento entre sí de las varias naciones.
- f) Fomentar la aceptación general de medios pacíficos en el arreglo de las diferencias internacionales.
- g) Mantener, fomentar, y extender auxilio a las instituciones, organizaciones, asociaciones y agencias que se consideren necesarias o de utilidad en el cumplimiento de los fines de la corporación o de cualesquiera de ellas.

Hasta que el Congreso de los Estados Unidos incorpore la Fundación, los Síndicos administran los negocios relacionados con ella como una sociedad sin carta del Congreso. Se estableció la oficina principal de la Fundación en la Ciudad de Wáshington, y se tomaron pasos para establecer oficinas en otros puntos. Una Comisión Ejecutiva, compuesta de siete miembros, con inclusión del Presidente y del Secretario, fué nombrada para dirigir e inspeccionar los negocios y asuntos relacionados con la Fundación, con sujeción a la aprobación de los Síndicos. El Secretario fué nombrado el Oficial Jefe de Administración de la Fundación y, con sujeción a la autoridad de la Junta y la Comisión Ejecutiva, se le dió el cargo inmediato de la administración de sus asuntos y de los trabajos que emprendiere o que se llevaren a cabo con fondos pertenecientes a la misma. Los estatutos prescriben que ha de ser vocal de la Junta de Síndicos y permanecer en su cargo a voluntad de ella.

Los funcionarios elegidos en su primera reunión en 14 de diciembre de 1910, fueron formalmente reelegidos en 9 de marzo de 1911, y en la reunión que tuvo lugar en esta fecha se formularon los fines y propósitos de la Fundación y se adoptaron una serie de estatutos.

La relación de los fines y propósitos de que se acaba de hacer mención muestra que la Fundación es en primer lugar una institución científica y que investigará cuidadosamente el origen y las causas de la guerra, así como sus efectos económicos sobre los neutrales y beligerantes, con el fin de estar en condiciones de poder recomendar los medios que deben adoptarse para la remoción hasta donde fuera posible de las causas de la guerra. Medios juiciosos pueden adoptarse sólo con conocimiento completo y después de un estudio minucioso de los problemas, un examen cuidadoso de las dificultades que han de vencerse, los métodos que han de emplearse, y los cuales deben necesariamente cambiar

con el cambio de las condiciones, y sobre todo, por medio del ejercicio de un juicio sano e ilustrado con respecto a lo que es razonablemente posible, en vista de la experiencia de la historia y un conocimiento a fondo acerca de las condiciones que existen actualmente en los países que forman la sociedad de las naciones. El hecho de que la Fundación sería principalmente una institución para investigaciones científicas lo expresó de una manera evidente en su discurso el Sr. Presidente Root en la primera reunión de los Síndicos que tuvo lugar el 14 de diciembre de 1910:

Creo que el campo de observación general sobre el asunto de la guerra y de la paz, la exposición general de la injusticia de la guerra, y la conveniencia de la paz, ya ha sido bien cubierto. Me parece que esta Fundación será de poca utilidad a menos que hiciere algo más que esto. Debemos hacer lo que hacen los hombres de ciencia, debemos tratar de obtener una percepción más profunda de las enfermedades de las cuales la guerra es un síntoma que el que se puede obtener por medio de un estudio incidental y ocasional. Esa percepción más profunda puede obtenerse sólo por medio de un estudio e investigación larga y exacta y constante.

Los fines y objetos de la Fundación tal como han sido formulados por los Síndicos caen naturalmente en tres grupos: uno que trata de la creación de la opinión pública en favor del arreglo pacífico de las diferencias internacionales; otro de la investigación y estudio de las causas de la guerra; y el tercero, de los principios del derecho y la justicia, los cuales, si fueren aceptados y aplicados por las naciones en sus relaciones recíprocas, les permitirá arreglar muchas, si no todas, las controversias que han, o provocado la guerra o amargado las relaciones exteriores en el pasado. Por lo tanto estableció la Comisión Ejecutiva tres divisiones, a saber: la primera, que ha de conocerse con el nombre de la División de Relaciones Recíprocas y Educación, cuyos principales objetos son 1) difundir informaciones, y educar la opinión pública en cuanto a las causas, la naturaleza y los efectos de la guerra, y los medios para evitarla y prevenirla; 2) cultivar las relaciones amistosas entre los habitantes de los distintos países, y aumentar el conocimiento y entendimiento recíproco entre las varias naciones; 3) mantener, fomentar, y ayudar las instituciones, organizaciones, sociedades, y agencias que se considerasen necesarias o útiles en la realización de los objetos de la asociación, o de cualesquiera de ellos; la segunda, que ha de denominarse la División de Economía Política e Historia, para fomentar la investigación y el estudio completo y científico de las causas de la guerra y de los medios prácticos que deben adoptarse para prevenirla y evitarla; la tercera, que ha de denominarse la División de Derecho Internacional, con el fin de 1) coadyuvar en el desarrollo del Derecho internacional, y un arreglo general en cuanto a sus reglas, y su aceptación por las naciones; 2) establecer un entendimiento mejor de los derechos y obligaciones internacionales y un sentimiento más perfecto de la justicia internacional entre los habitantes de las naciones civilizadas; 3) fomentar la aceptación general de los medios pacíficos en el arreglo de las controversias internacionales.

El doctor Nicholas Murray Butler, Presidente de la Universidad de Columbia, fué nombrado Director Interino de la División de Relaciones Recíprocas y Educación; el Dr. John Bates Clark, Profesor de Economía Política en la Universidad de Columbia, fué nombrado Director de la División de Economía Política e Historia; y el Secretario de la Fundación, el Sr. James Brown Scott, fué nombrado Director de la División de Derecho Internacional.

Habiéndose así establecido los objetos de la Fundación y creado la organización para llevarlos a cabo, la Comisión Ejecutiva fijó su atención en los métodos que habían de adoptarse por la Fundación y por cada una de las Divisiones con el fin de fomentar el propósito para el cual se había creado la Fundación. Era la opinión general, que los métodos que habían de adoptarse constituían un asunto de la mayor importancia, porque es harto conocido que métodos erróneos no sólo puedan arriesgar sino aun desvirtuar un ideal. El éxito en ésta, como en otras empresas de importancia, depende del ajuste adecuado de los medios por los cuales ha de obtenerse el objeto apetecido. Después de un estudio cuidadoso del campo de los esfuerzos anteriores y las agencias que existen en todas partes del mundo en pro del interés de la paz internacional, la Comisión Ejecutiva formuló las siguientes conclusiones, que fueron aprobadas por los Síndicos en su reunión anual del 14 diciembre de 1911:

1. Que no sería conveniente que la Fundación entrare en competencia con las agencias existentes o tratase de suplantaras por su propia acción directa o por medio de las constitución de nuevas organizaciones que cubrieran el mismo campo, sino más bien,

a) proporcionar mayor fuerza y actividad a las organizaciones y agencias existentes que se encontraren capaces de hacer una buena obra;

b) producir una organización mejor consiguiendo la unión en las relaciones sistemáticas de las organizaciones esparcidas y eliminar la duplicación de los esfuerzos y el conflicto de intereses; y,

c) hacer que se establezcan nuevas organizaciones sólo en aquellos puntos del campo que todavía no han sido cubiertos eficazmente.

Para proseguir una obra de esta indole con éxito se necesita la cooperación voluntaria de un gran número de personas incitadas por su interés en pro de la causa de la paz. No puede comprarse tal cooperación con dinero, y no puede regularse por medio del dinero. Puede ayudarse mucho y hacerla más eficaz por medio del empleo juicioso del dinero. No sería posible duplicar el personal que se consagra actualmente al trabajo de la paz en muchas direcciones. La actividad continuada de los trabajadores depende de la continuación de su interés, y éste se encuentra en gran parte consagrado a las organizaciones que han edificado, frecuentemente a costa de mucho trabajo y sacrificios. Tratar de sustituir por ellas organizaciones nuevas y distintas constituiría un enorme desgaste de energía.

2. Que gran parte de la obra de la Fundación debe proseguirse en países que no sean los Estados Unidos. Existen muchos países en que el problema que presenta la proposición de substituir la paz en lugar de la guerra como la condición normal de la humanidad, es mucho más complicada y difícil que entre nosotros, y hay muchos países en los cuales las ideas que nosotros



hemos llegado a considerar como fundamentales e indisputables han progresado poco. Cualquier adelanto real hacia un estado de paz estable en el mundo debe ser un adelanto general. El obstáculo principal contra una agresión bélica se encuentra en la opinión general adversa de la humanidad y la renuencia de las naciones de atraerse la censura del mundo civilizado por una conducta que, en su opinión, es vergonzosa.

Nuestra obra, para hacerla de la mayor eficacia, debe llevarse a cabo en muchos países distintos.

3. Que al llevar nuestra obra a cabo en otros países, y especialmente en los países de Europa respecto de los cuales los asuntos de paz y guerra son mucho más apremiantes y difíciles que entre nosotros, es de vital importancia que no nos presentemos como misioneros americanos tratando de enseñar a los pueblos de otros países cómo deben dirigir sus negocios, sino más bien que ayudemos a los ciudadanos de tales países que estén interesados en nuestra obra que propende a fomentar la paz, a realizar dicha obra entre sus propios compatriotas, y que la primera conclusión formulada más arriba es aplicable a toda obra de esta índole.

4. Que la dirección en que la obra en pro de la paz general debe llevarse especialmente, es aquella en que el sentimiento en favor de la paz se encuentra en contacto inmediato con las dificultades y exigencias de asuntos internacionales prácticos. La conciliación de los dos requiere un conocimiento del lado práctico, no tanto de determinadas dificultades internacionales, como de las fuerzas fundamentales que mueven a las naciones, el desarrollo de sus métodos y motivos de acción, y el desarrollo histórico de sus relaciones. Para progresar en este sentido es necesario alistar los servicios de personas que sean capaces de realizar estudios completos y científicos, y formular conclusiones definitivas, ciertas, y autorizadas que puedan formar la base de educación y de argumentos que atraigan a los hombres de negocios prácticos.

Es conveniente describir ligeramente el progreso que ha obtenido cada una de las Divisiones en su obra de llevar a cabo los objetos fundamentales para los cuales fué constituída la Fundación.

#### LA DIVISIÓN DE RELACIONES Y EDUCACIÓN

El Dr. Butler estableció su oficina principal en la Ciudad de Nueva York, con el fin de poder estar en contacto íntimo con los trabajos de la División y dirigir sus actividades personalmente.

En vista del hecho de que gran parte de los trabajos de la División tendrían necesariamente que afectar a los países extranjeros y siendo esencial a su éxito que la obra en los países extranjeros se realizase por medio de agencias locales, y no por sucursales de la Fundación, el Dr. Butler constituyó un Consejo Consultivo compuesto de estadistas representativos y publicistas europeos y un cuerpo de corresponsales, a fin de que pudiera informarse exactamente de las condiciones locales, y asegurar que no se emprendiera ningún proyecto en cualquier país europeo de una índole que pudiera encontrarse en conflicto con las instituciones, tradiciones e ideales nacionales. Se formó una Comisión Ejecutiva compuesta

de los vocales principales de este Consejo, y se estableció una oficina en París para llevar a cabo los proyectos propuestos por el Consejo y su Comisión Ejecutiva y aprobados por la Fundación. El Dr. Butler ha tenido la suerte de obtener los servicios del Baron d'Estournelles de Constant como presidente del Consejo Consultivo y de la Comisión Ejecutiva, y del Sr. Prudhommeaux, el ilustrado Redactor de *La Paix par le Droit*, como Secretario General de la oficina europea en París.

Con el fin de difundir informaciones y educar la opinión pública con respecto á las causas, la naturaleza y los efectos de la guerra, la Fundación, a propuesta del Dr. Butler, ha adoptado medios para aumentar el contenido de una lista escogida de periódicos europeos consagrados al movimiento en pro de la paz, a fin de que puedan llegar a un círculo más grande de lectores y crear una opinión pública que favorezca el movimiento en pro de la paz.

Con el fin de cultivar sentimientos de amistad entre los habitantes de los distintos países y aumentar su mutuo conocimiento y entendimiento, la Fundación ha aprobado las tres proposiciones del Dr. Butler que siguen: 1) Un cambio educacional con la América Latina; 2) un cambio educacional con el Japón; 3) visitas internacionales de hombres representativos. Es innecesario discurrir sobre lo juicioso y oportuno de estos proyectos, porque es harto conocido que mucha de la mala inteligencia que existe entre las naciones se debe al desconocimiento de las condiciones, tradiciones e ideales locales. El trato personal revela que en el fondo todos los hombres son extrañamente semejantes y el trato, la discusión y el cambio de opiniones personalmente establecen la base de la amistad y la buena inteligencia.

El cambio educacional con la América Latina no se ha realizado aún, aunque se ha progresado hacia él.

Un educador distinguido japonés, el Dr. Nitobe, pasó varios meses en los Estados Unidos como representante del Japón, y el distinguido autor americano, Dr. Hámilton Wright Mabie se encuentra actualmente en el Japón.

En 1912, la Fundación dió la bienvenida a su llegada en los Estados Unidos, a tres extranjeros distinguidos, a saber, el Baron d'Estournelles de Constant, el Conde Apponyi, y el Sr. Christian L. Lange, y hace poco que la Baronesa von Suttner dejó las playas norteamericanas. El distinguido educador americano, Dr. Charles W. Eliot, presidente emeritus de la Universidad de Harvard, visitó muchos países durante el año pasado, especialmente la China y el Japón, en representación de la Fundación.

Pasando ahora a las agencias "que se considerasen necesarias o útiles en la realización de los fines" de la Fundación, a propuesta del Dr. Butler, recibieron las sociedades que siguen ayuda pecuniaria para permitirles llevar a cabo la obra que han emprendido y aumentar la esfera de su influencia: 1) L'Office Central des Associations Internationales, organizada por el distinguido publicista belga, el Senador La Fontaine, y situada en Bruselas; 2) el Bureau International Permanent de la Paix, en Berna, como el cuartel general reconocido

de las distintas sociedades de la paz ; 3) la American Peace Society, reorganizada de manera que sea la representante eficaz de las sociedades de paz en América.

Se ha creído que l'Office Central tiene una naturaleza y esfera de carácter tan internacional que tiene derecho a recibir ayuda directa por parte de la Fundación ; que el Bureau Permanent de la Paix, debe fortalecerse a fin de poder realizar su obra más eficazmente, y que, con el mismo objeto general, la American Peace Society, reorganizada y fortalecida, debe actuar no sólo como el medio de comunicación entre la Fundación y las varias sociedades en los Estados Unidos, sino servir también de agente de la Fundación en proporcionar ayuda a las sociedades locales.

La Comisión Ejecutiva, como resultado de la experiencia y las recomendaciones del Director Interino de la División, ha establecido el principio general de que ha de extenderse auxilio á las agencias nacionales en el Hemisferio Oriental sólo por recomendación del Consejo Consultivo, de acuerdo con los representantes de cada país determinado en el Consejo Consultivo. Prevalece la creencia de que este principio propende admirablemente a ayudar a los ciudadanos de los países extranjeros para la realización de la obra en sus países, y que contribuirá a poner en contacto a los trabajadores en pro de la paz y hacer que el uno coopere con el otro y con los hombres de negocios prácticos que forman o regulan la política internacional.

La experiencia ha demostrado que mucha gente genuinamente interesada en efectuar una buena inteligencia con los países extranjeros, vacilan sin embargo por varias razones en afiliarse con sociedades de paz. Las asociaciones para la conciliación internacional revisten interés para personas de esta clase. En esta virtud la política del Dr. Butler ha sido reforzarlas donde existen y crearlas donde no existen. La primera y principal asociación fué establecida por el Baron d'Estournelles de Constant en 1906. Una sucursal americana, de la cual el Dr. Butler es presidente, fué organizada en el mismo año ; en 1912 se estableció una asociación alemana ; en el mismo año, otra inglesa, y están progresando los arreglos para la constitución de sucursales en Sur America, en el Canadá, y en otras partes del mundo. Estas asociaciones, aunque de origen local, tienen sin embargo una misión internacional y propenden a establecer por medio de sus reuniones, y los excelentes folletos que publican con regularidad, un sentimiento de amistad hacia los pueblos de los países extranjeros.

Se espera que la División de Relaciones Recíprocas y Educación popularizará los resultados científicos de las otras Divisiones, y que a intervalos hará circulares, libros, artículos y conferencias, sea en el original o en forma de traducciones.

#### LA DIVISIÓN DE ECONOMÍA POLÍTICA E HISTORIA

Fué la creencia de los Síndicos que nada produciría mejores resultados que una investigación y estudio cuidadosos, considerados y científicos de las causas y efectos económicos de la guerra ; por la razón de que si conociéramos

los elementos que han entrañado y producido la guerra, estaríamos en una posición de considerar los medios y métodos que contribuirían a la desaparición de las causas y así evitar el recurso a las armas. Se creyó que un estudio imparcial y científico de los efectos de la guerra en todas sus fases, no solamente sobre los actuales beligerantes, sino también sobre las naciones neutrales, proporcionaría datos que han faltado hasta ahora, y propendería a inclinar a los hombres de negocios de responsabilidad en favor del arreglo pacífico de las controversias internacionales. En esta virtud se convocó una conferencia de economistas y publicistas distinguidos para reunirse en Berna, Suiza, en Agosto de 1911, con el fin de considerar qué asuntos pudieran estudiarse conveniente y ventajosamente, y redactar el programa de la División de Economía Política e Historia. Al extender la invitación para esta conferencia, el Presidente de la Fundación dijo que "es el deseo de los Síndicos utilizar la segunda División para los fines de hacer una investigación completa, sistemática y científica de los aspectos económicos e históricos de la guerra, confiando que las lecciones que han de derivarse de este estudio serán de utilidad para la humanidad. Creen que debe proseguirse un estudio de esta clase sobre base internacional más amplia, y que su organización constituye un asunto propio para la sabiduría de los economistas más hábiles y eminentes de todas las naciones civilizadas."

A la conferencia asistieron dieciocho especialistas prominentes, con inclusión del Director de la División, y formularon un programa referente a 1) las causas y efectos económicos e históricos de la guerra; 2) armamentos en tiempo de paz, establecimientos militares y navales, la teoría práctica e historia de armamentos modernos; 3) las influencias unificadoras de la vida internacional. Pareciendo conveniente asociar los miembros de la conferencia con la asignación de los trabajos y su actual ejecución, los asistentes a la conferencia fueron nombrados miembros de una comisión permanente de investigación, para actuar como agentes de la Fundación en la elección de peritos hábiles para emprender y completar la investigación de los varios temas en los cuales se ha dividido el programa, intervenir en las investigaciones emprendidas y redactar sus resultados. Ya se ha asignado un gran número de temas a especialistas, algunos de los estudios han sido completados, y en el curso de muy pocos años la Fundación habrá publicado una serie de monografías notables que se ocupen de todas las fases del complicado programa, las que, en las palabras de su Presidente, "serán de utilidad a la humanidad." La oficina principal de la División se encuentra interinamente en Nueva York, y los miembros de la comisión de investigación, además de actuar como agentes de la Fundación para los fines expuestos, actúan colectiva e individualmente como consejeros del Director de la División en el proseguimiento de los proyectos importantes que ha emprendido.

El Profesor Kinley, que es miembro del Comité de Investigación de la Sección de Economía Política e Historia de la Fundación Carnegie, y que toma un

especial y vivo interés personal en la América Latina, debido no solamente al conocimiento que él tiene de su maravilloso progreso a pesar de adversas y perplejas circunstancias, sino también a sus observaciones personales, pues fué Delegado de los Estados Unidos a la Cuarta Conferencia Panamericana, visitará Sur América dentro de poco tiempo. Su propósito será conocer a los directores del pensamiento en los dominios de la Economía Política e Historia, explicarles el origen y propósitos de la referida Sección o División, someter a su alta consideración los proyectos que esta División desea emprender, y si es posible, conseguir la cooperación de nuestros amigos de Sur América para llevar éstos a cabo. Sin esta valiosa cooperación el trabajo de la División resultaría defectuoso e incompleto y perdería generalmente en sus fines benéficos. Pido para él una buena acogida y la generosa y valiosísima cooperación de los suramericanos.

Con respecto a esta División, mi modesta misión es preparar el camino del Sr. Kinley. Así, pues, explicaré en general el objeto y propósito de la División de Economía Política e Historia para que se pueda determinar de qué manera y hasta qué punto es posible ayudar al Profesor Kinley—dejándole a él el privilegio de presentar en detalle los proyectos que la División piensa emprender y de explicar la grande y generosa parte, que esperamos estén dispuestos a tomar los publicistas, economistas e historiadores latinoamericanos. Para indicar la naturaleza de los trabajos de la División, citaré aquí algunas frases que pronunció el Sr. Root en la primera reunión de los Síndicos de la Fundación Carnegie. “Creo”, dijo, “que el campo de observaciones generales acerca del asunto de la guerra y de la paz—una exposición general de la injusticia de la guerra y de la conveniencia de la paz—ya se ha tratado bastante. Creo que esta Fundación sería de poca utilidad si no hiciera algo más que eso. Debemos hacer lo que hacen los hombres de ciencia. Debemos tratar de alcanzar un conocimiento más profundo de la causa de las enfermedades, de las cuales la guerra es un síntoma, de lo que puede obtenerse por una consideración superficial y ocasional. Este conocimiento más profundo sólo puede conseguirse por medio de largo, penoso y continuo estudio e investigación”.

Estas palabras sabias, basadas en la experiencia y la reflexión, son de especial aplicación a la obra señalada a la División de Economía Política e Historia, porque a ella se asigna el deber específico de “fomentar una investigación completa y científica y un estudio de las causas de la guerra y de los métodos prácticos para prevenirla y evitarla”. Es decir, el estudio no sólo de las causas alegadas que no han sido más que pretextos de gobernantes y estadistas ambiciosos y poco escrupulosos, sino el estudio de las causas verdaderas, que a menudo están escondidas y se encuentran en los antagonismos de los pueblos y en el deseo de conseguir ventajas económicas que no poseen y que codician. Pero este estudio, por interesante que sea, sería de poco valor, aun si pusiera en claro los verdaderos motivos. Es necesario también estudiar y dar a conocer las causas y los efectos económicos, no sólo sobre las naciones beligerantes sino también sobre los pueblos y naciones neutrales, los efectos indirectos lo mismo que los directos, porque de otro modo

no podemos pesar en la balanza la guerra y su costo, — estimado éste en relación con la pérdida de vidas, el desgaste de recursos y la pérdida de oportunidades — y las ventajas de un desarrollo libre, pacífico, y normal.

Expresado así, el problema no pertenece a ningún país determinado ni a ninguna época determinada, y el Sr. Root tenía razón cuando decía que “los resultados de tales estudios serían útiles” y que la investigación “debía proseguirse sobre una base internacional muy amplia, y que su organización constituía un asunto apropiado para la sabiduría de los economistas más hábiles y eminentes de todas las naciones civilizadas”.

La División de Economía Política e Historia está bajo la dirección del Profesor John Bates Clark, un economista distinguido de los Estados Unidos. Estando él en Europa, la Fundación invitó a unos cuantos distinguidos economistas, publicistas e historiadores, en su mayoría europeos, a reunirse en Berna para recomendar una organización para la División y para trazar un plan general de trabajo que ésta pudiera con más provecho llevar a cabo. Los miembros de la Conferencia de Berna han sido organizados como Comité permanente, llamado Comité de Investigación, el cual actuará como consejero responsable de la División y como su agente para llevar a efecto su programa de trabajo en todas partes del mundo menos en Sur América. El Profesor David Kinley, el cual, como ya he dicho, es amigo y admirador de la América Latina, fué agregado al Comité, para que, por medio de conferencias y relaciones personales con los principales publicistas, economistas e historiadores de la América Latina, determinara qué forma de organización sería la mejor para corresponder a los deseos y asegurarnos de la cooperación de nuestros amigos latinoamericanos, sin cuya simpatía y eficaz participación el trabajo de la División no sería posible, en cuanto se relaciona con la América Latina. Puedo decir que la organización de un Comité de Investigación para la América Latina, tal como el comité que resultó de la Conferencia de Berna, sería grata a la Fundación y a la División.

Me referiré muy brevemente al programa bosquejado por la Conferencia de Berna y que la División, con la ayuda y el consejo constante del Comité de Investigación, está tratando de llevar a la práctica por medio de investigaciones en distintos países, seguidas por distinguidos investigadores y hombres eruditos.

En la Conferencia de Berna de agosto de 1911, los miembros se dividieron en tres secciones principales. La primera debía tratar de “las causas y efectos económicos e históricos de las guerras”; la segunda de los “armamentos en tiempo de paz, establecimientos militares y navales, la teoría, práctica e historia de los armamentos modernos”; y la tercera de “las influencias unificadoras en la vida internacional”. Necesitaría más espacio del que tengo a mi disposición si sólo quisiera enumerar las distintas investigaciones que fueron recomendadas en los informes de las tres secciones, y que actualmente constituyen el programa de la División. Para no hablar demasiado en términos generales, mencionaré algunos de los epígrafes principales de cada informe. Al considerar las causas y efectos

económicos e históricos de las guerras, la comisión recomendó las siguientes investigaciones :

1. La presentación histórica de las causas de la guerra en los tiempos modernos, trazando especialmente la influencia ejercida por los esfuerzos hechos para obtener más poder político, por el desarrollo de la idea nacional, por las aspiraciones políticas de las razas y por los intereses económicos.
2. Conflictos entre los intereses económicos durante la época actual.
3. El movimiento antimilitarista, considerado en sus manifestaciones religiosas y políticas.
4. La posición del trabajo organizado y los socialistas en los varios Estados sobre las cuestiones de la guerra y de los armamentos.
5. Los efectos económicos del derecho de captura y su influencia sobre el desarrollo de las armadas.
6. Empréstitos de guerra hechos por países neutrales; su alcance e influencia sobre las guerras recientes.
7. Los efectos de la guerra, considerados en su aspecto económico.
8. Pérdida de la vida humana en la guerra y como resultado de la guerra; y su influencia sobre la población.
9. La influencia de la anexión sobre la vida económica del Estado anexante, y sobre el Estado cuyo territorio ha sido anexado.
10. La exención progresiva de las actividades comerciales e industriales de las pérdidas e ingerencias por virtud de la guerra.

Entre los temas que se refieren a los armamentos, pueden mencionarse los siguientes :

1. Causas de los armamentos.
2. La rivalidad y competencia en los armamentos.
3. Historia moderna de los armamentos, con detalles especiales desde 1872.
4. Presupuestos militares desde 1872.
5. El gravamen de los armamentos durante épocas recientes.
6. Los efectos de los preparativos para la guerra sobre la vida económica y social de una nación.
7. Los efectos económicos de retirar a los hombres jóvenes de sus ocupaciones industriales.
8. Empréstitos para armamentos.
9. Las industrias de la guerra y un estudio de las municiones de guerra.

Me temo que ni siquiera pueda tratar de mencionar los temas que deben investigarse en relación con las influencias unificadoras en la vida internacional, porque son tantos, tan variados, y sin embargo tan íntimamente ligados. Baste

decir que entre otros asuntos se estudiarán los efectos de la producción, distribución e intercambios internacionales, los medios de comunicación y sus resultados en la vida, el pensamiento y el desarrollo de los pueblos y de las naciones.

De estos temas muchos están en estudio, y no pocos de los estudios están listos para su publicación. Dentro de pocos meses el público selecto y bien informado podrá juzgar la División, no sólo por sus buenas intenciones, sino también por sus trabajos.

No nos ocultamos el hecho de que en el presente el efecto de estos estudios e investigaciones será pequeño en relación con el tiempo y los esfuerzos prodigados a ellos y que el problema es enorme y nuestra senda tiene que trazarse como si fuera por medio de un desierto desconocido. Pero me permito citar las palabras del Profesor Clark, el Director de la División: "Es a propósito decir que actualmente estamos tratando no con una pequeña cuestión de importancia para una parte del mundo, sino con una cuestión de vasta importancia para todo el mundo; y cualquier cosa que produzca algún efecto sobre el resultado es de la mayor trascendencia. Es una cosa mucho más grande mover toda la tierra una fracción microscópica de una pulgada que llevar un buque lleno de tierra a través del mar más ancho. Sería extraño si, como resultado de lo que se inicia ahora, no resultare alguna desviación perceptible en el movimiento de los asuntos humanos. Cualquier cambio que pueda tener lugar será en dirección de la paz."

¿Cuál será el papel de la América Latina en estas investigaciones? No puedo creer que los publicistas, economistas e historiadores latinoamericanos mostrarán menos entusiasmo, menos simpatía, o menos disposición de ayudar, que sus colegas en el viejo mundo al otro lado del mar. Me atrevo predecir que se echarán en la brecha con arrojo, si puedo usar una expresión militar al discutir los asuntos de la paz, o, para variar la frase, que serán compañeros en el campo de los trabajos pacíficos y participarán en las victorias, porque, según dijo un poeta inglés, "la paz tiene victorias no menos renombradas que las de la guerra".

#### LA DIVISIÓN DE DERECHO INTERNACIONAL

Los problemas a que hace frente esta División son de la mayor importancia, porque a ella se refiere la obligación expresa de coadyuvar en el desarrollo del derecho internacional, de establecer una mejor inteligencia acerca de los derechos y obligaciones internacionales, y de fomentar la aceptación general de medios pacíficos en el arreglo de las controversias internacionales. Le pareció al Director y a la Comisión Ejecutiva que no podía emplearse demasiado cuidado en la determinación de los proyectos que habían de emprenderse y los métodos que habían de utilizarse. Si las relaciones entre las naciones han de considerarse de acuerdo con los principios del derecho, y si las controversias que puedan existir o surgir entre ellas han de decidirse de acuerdo con esos principios, es indispensable que el Derecho internacional se desarrolle como un sistema lento y cautelosamente por medio de la cooperación de publicistas en todas partes



del mundo, a fin de que las propuestas presentadas puedan representar una opinión internacional ilustrada, ser razonables en sí, y tener atracción para el juicio maduro no sólo de los teoristas, sino también de los hombres de negocios prácticos en cuyas manos se encuentra depositada la dirección de los asuntos extranjeros. En esta virtud, antes de proceder a la organización de la División, el Director, con la aprobación de la Comisión Ejecutiva, se puso en correspondencia con profesores de Derecho internacional en todas partes del mundo, con miembros del Instituto de Derecho Internacional, con miembros del Tribunal Permanente de Arbitraje de La Haya, y con jurisconsultos elegidos que, aunque no caían dentro de ninguna de estas categorías, poseían sin embargo cualidades especiales debidas a sus estudios o experiencia que les permitía examinar y formar juicio sobre cuestiones de Derecho internacional delicadas y difíciles.

Después de un estudio cuidadoso de las contestaciones recibidas, la Fundación resolvió, a propuesta del Director, suplicar que el Instituto de Derecho Internacional actuare como consejero general de la División, como un cuerpo o por conducto de un comité. Como resultado de las negociaciones emprendidas, el Instituto de Derecho Internacional en la sesión que celebró en Cristianía en 1912, aceptó el título y las funciones de consejero general de la División, y eligió once miembros de su seno, con inclusión de su secretario general *ex officio*, para formar una Comisión Consultiva del Instituto para la División de Derecho Internacional. Es de esperarse que este comité prestará el mayor servicio al Director por medio del examen de los distintos proyectos que él les someterá, y por la indicación de proyectos que deben emprenderse y realizarse por la División. No sería posible estimar excesivamente el valor de estas relaciones, porque los miembros del comité que gozan como deben gozar de la confianza del Instituto, no aprobarán ni presentarán proyectos a menos que sean razonables en sí mismos, adaptados a fomentar el desarrollo del Derecho internacional, y de tal naturaleza que sean aceptables por las naciones. Tales relaciones representan una garantía de que la Fundación por conducto de su División de Derecho Internacional no emprenderá proyectos que puedan considerarse utópicos. La aprobación de la Comisión Consultiva será aceptada necesariamente como prueba de que los proyectos son dignos de estudio por publicistas y estadistas y posibles de realización. Es de esperarse que las relaciones serán además no menos agradables y valiosas para el Instituto, en vista de que permitirán la ejecución de proyectos que el Instituto pueda considerar muy deseables, pero que no podían emprenderse por falta de recursos materiales. La resolución del Instituto de actuar como consejero completó la organización de la División, del mismo modo en que el establecimiento de la Comisión de Investigación organizó la División de Economía Política é Historia.

El Instituto de Derecho Internacional que fué fundado en el año de 1873, se ha mostrado ser la agencia inoficial más poderosa que jamás ha sido creada para el desarrollo del Derecho internacional; y la Fundación resolvió que no podía

gastar más juiciosamente una parte de sus rentas que por la concesión al mismo, de una subvención, en la creencia de que podría emplearse una parte de la suma ventajosamente, si así lo deseara el Instituto, en sufragar los gastos de viaje de sus miembros, en permitir que sus informantes recibieran alguna remuneración por servicios que hasta ahora no han sido remunerados, en permitir la impresión de los informes mismos de tal modo que fuesen de mayor utilidad para maestros, estudiantes, las profesiones y el público que lee, y en permitir la realización, bajo la inspiración del Instituto, de los proyectos que deseara emprender. La subvención se ha concedido, sin embargo, sin sujeción a condiciones, siendo así que el Instituto es el más competente para determinar el uso más ventajoso a que se pudiera consagrar la subvención.

Se espera que el Instituto Americano de Derecho Internacional, fundado en Octubre de 1912, prestará servicios útiles en el desarrollo y la popularización del Derecho internacional en el Hemisferio Occidental, aunque no sean tan conspicuos como los que el Instituto de Derecho Internacional ha prestado al mundo en general. Siendo así que la política de la Fundación es la de no crear agencias propias sino auxiliar a las instrumentalidades existentes, no se ha pedido ni recibido por el Sr. Alvarez o el Director de la División, por cuya iniciativa se fundó el Instituto Americano, ningún auxilio financiero de ninguna índole. Se hace mención de dicho Instituto en esta conexión porque constituye una agencia tendente "a coadyuvar en el desarrollo del Derecho internacional", y por la razón adicional de que el Presidente de la Fundación ha aceptado la presidencia honoraria del Instituto Americano, y el Director fué uno de sus fundadores.

Hay muchos modos por medio de los cuales, puede establecerse un mejor entendimiento de los derechos y obligaciones internacionales, y un sentimiento más perfecto de la justicia internacional entre los habitantes de los países civilizados. La obra se ha comenzado, modesta y cautelosamente; y sólo es posible emprender en primera instancia los proyectos que caigan inequívocamente dentro de este requisito de la División y que propendan directamente a la realización del fin inmediato. El Instituto de Derecho Internacional trata de desarrollar el Derecho de gentes por medio de la discusión de cuestiones importantes y su relación en la forma de tratados o leyes. Que éste es un método sumamente práctico se demuestra por el hecho de que las opiniones y resoluciones del Instituto han atraído a los hombres de negocios y muchas de ellas ya se encuentran incorporadas firmemente en el derecho actual de las naciones. Pareció posible, sin embargo, estudiar los derechos y obligaciones de las naciones desde un punto de vista más sistemático y teórico, y al mismo tiempo más amplio.

En la Segunda Conferencia de la Paz de la Haya presentóse un proyecto para la creación de una Academia de Derecho Internacional, el cual recibió la aprobación del Presidente de la Conferencia. No se adoptó ninguna resolución sobre él, pero la idea ha sido acogida favorablemente por los publicistas de muchas naciones. Una comisión de publicistas holandeses, bajo la presidencia del Sr. Asser, ha propuesto la creación de una Academia de esta clase y que se insta-

lase en el Palacio de la Paz en La Haya. El Tribunal Permanente de Arbitraje aplicaría el derecho que había sido expuesto sistemáticamente en la Academia, y el edificio magnífico vendría de hecho a ser un templo de la paz. La recomendación del Sr. Asser propone una instrucción sistemática durante los meses del verano, en Derecho internacional y asuntos relacionados a él por una facultad especialmente constituida y sujeta a cambios, elegida de entre los publicistas de los diferentes países. Cursos formales de conferencias sobre asuntos importantes y oportunos serían dados por publicistas que, además de una instrucción teórica, hayan tenido larga experiencia en la práctica del Derecho internacional. Bajo la dirección de los profesores regulares, crearíamos grupos de estudiantes para el estudio detallado y completo de ciertas fases del Derecho internacional y relaciones internacionales. Los cursos serían abiertos a los estudiantes de cualquier país que poseyeran las calificaciones necesarias, y que podrían asistir a las conferencias y sacar ventaja de la instrucción proporcionada, porque tendría lugar durante sus vacaciones académicas. También se propone que los gobiernos se interesen en la Academia y que se les invite por conductos diplomáticos a nombrar funcionarios idóneos de varios ramos del servicio gubernamental para asistir a la misma. La institución sería única en su cuerpo de estudiantes provenientes de los países extranjeros y las clases oficiales. Las conferencias, publicadas en la forma de monografías, enriquecerían la literatura del Derecho internacional; el derecho mismo se trataría desde varios puntos de vista y por maestros idóneos, de los cuales uno solo sería elegido de cualquier país al mismo tiempo. El cuerpo de estudiantes provendría de varios países y en el transcurso del tiempo ejercería su influencia en sus países respectivos, de modo que la Academia coadyuvaría de una manera eminente al establecimiento de un mejor entendimiento de los derechos y obligaciones internacionales, y la propagación de los principios de la paz. La Fundación Carnegie ha aprobado la Academia en principio, y está dispuesta a conceder auxilio económico cuando los planes se hayan perfeccionado suficientemente. Si se llegare a organizar, la Academia sería una institución separada e independiente, bajo la dirección de una comisión nombrada especialmente y compuesta en primer lugar de los ex-presidentes del Instituto de Derecho Internacional. Organizada y dirigida de este modo, adelantaría los trabajos para cuyo fomento ha sido creada la Fundación Carnegie, pero no sería una agencia directa de la Fundación ni estaría bajo su dirección.

Las revistas existentes de Derecho internacional propenden a establecer un mejor entendimiento de los derechos y obligaciones internacionales, y el aumento de su circulación aumentará su influencia, popularizará el Derecho internacional, y demostrará por medio de un ejemplo concreto el modo en que sus principios determinan las cuestiones que envuelven derechos internacionales. Por esta razón la Fundación, á propuesta de su Director, ha concedido subvenciones, en efectivo, o por medio de suscripciones, a elección de las revistas. Esta ayuda permitirá la publicación de las revistas á intervalos más regulares, asegurará su existencia continuada, aumentará y reforzará sus contenidos, y permitirá que los

contribuyentes a ellas reciban alguna remuneración por el tiempo y trabajo que generosamente han consagrado sin otra compensación que la que proviene de hechos buenos.

Ocurre con frecuencia que se hacen contribuciones excelentes referentes al Derecho internacional en idiomas que se leen o entienden poco fuera del país en que se han publicado, y créese que se fomentaría la causa de la justicia internacional por medio de la traducción de obras de esta índole a los idiomas que se emplean más generalmente. En esta virtud el Director ha propuesto, y la Comisión Consultiva de la Fundación ha aprobado, la traducción de obras de esta índole a uno o más de los idiomas mejor conocidos, de modo que el abogado internacional que no fuese un lingüista y los estudiantes y literatos en todas partes del mundo puedan tener la ventaja de leer y estudiarlas. Al mismo tiempo sería muy útil hacer preparar obras originales que traten de ciertas fases del Derecho internacional que fuesen dignas de tratamiento especial. Esto constituye una cuestión más delicada, pero ya se le ha consagrado estudio. No es la intención de la Fundación ingerirse en asuntos editoriales, pero es de opinión que puede extender ayuda material a los autores en la producción de tratados o monografías de la índole expresada, y así prestar un servicio de no poca importancia a la causa del Derecho internacional y de la justicia internacional.

Las revistas y tratados que se refieren al Derecho internacional atraen a los que leen, pero no debe olvidarse al público oyente. Por lo tanto el Director ha propuesto que se invite a publicistas extranjeros distinguidos para que vengan a los Estados Unidos y den conferencias sobre ciertas fases del Derecho internacional en las universidades y colegios de los Estados Unidos. Créese que de este modo los puntos de vista extranjeros podrán exponerse de un modo muy claro y que, si se obtuviere éxito, podrá lograrse que los maestros o instructores de Derecho internacional se traten personalmente, y crearse por medio del cambio de opiniones un entendimiento mejor acerca de los deberes y obligaciones internacionales.

Uno de los fines fundamentales de la División es fomentar la aceptación general de los medios pacíficos para el arreglo de las controversias internacionales, y créese que el mejor modo de demostrar lo que se puede hacer en el futuro es hacer constar de una manera clara lo que se ha hecho en el pasado. En esta virtud la División se ocupa actualmente en la recopilación de todos los tratados generales y especiales de arbitraje que se conocen hasta ahora. Esto constituye una tarea larga y árdua, y se ha creído conveniente empezar con el período moderno, es decir, con el Tratado Jay de 1794 entre la Gran Bretaña y los Estados Unidos. Esta parte de la obra está para completarse, y después de ella se prepararán los tratados anteriores para su publicación. Esta recopilación permitirá a los publicistas ver hasta qué punto las naciones han estado dispuestas a comprometerse al arbitraje, y pondrá a su disposición las distintas formas de los tratados existentes. Por la misma razón van a recopilarse y publicarse todos los casos de arbitraje conocidos en la forma de informes judiciales,

y se continuará la serie indefinidamente. El Profesor John Bassett Moore, de la Universidad de Columbia, que es una autoridad renombrada en asuntos de Derecho internacional y arbitraje, ha emprendido esta obra monumental y la está prosiguiendo activamente.

La existencia del Tribunal Permanente de Arbitraje de La Haya, la adopción de una convención para el establecimiento de un tribunal de presas, aunque el tribunal mismo aun no haya sido establecido, y la aprobación por la Segunda Conferencia de Paz de La Haya de un verdadero tribunal permanente de justicia arbitral compuesto de jueces, entrañan la conclusión de que las controversias entre las naciones se someterán en lo futuro con más frecuencia al arbitraje, o mejor a una decisión judicial, de lo que ha sido el caso en el pasado. Por lo tanto parece conveniente que conozcamos por medio de casos determinados las cuestiones que envuelven el Derecho internacional que han sido presentadas a los tribunales de justicia y decididas por ellos. Esto reviste mayor importancia si las sentencias judiciales han de completar el arbitraje en algunos casos y reemplazarlo en otros; porque hasta tanto que las naciones tengan confianza en las sentencias judiciales y sus posibilidades, vacilarán en recurrir á ellas. En esta virtud el Director ha propuesto que las sentencias de los tribunales de justicia ingleses y americanos, que se refieran al Derecho internacional, se recopilen y publiquen de la misma manera en que se recopilan y publican las sentencias de los tribunales de la Gran Bretaña y de los Estados Unidos. Las sentencias serán no sólo valiosas en sí mismas,—porque las sentencias de Stowell, Marshall y Story constituyen los clásicos del Derecho internacional,—sino que mostrarán el modo cuidadoso y cauteloso en que el Derecho internacional ha sido interpretado, aplicado y desarrollado por los tribunales de justicia, y proporcionarán precedentes seguros que pueden seguir los tribunales internacionales. Deben también recopilarse y publicarse las sentencias de los tribunales continentales; pero ha parecido mejor empezar con las sentencias inglesas y americanas. El Director ha recomendado, y la Fundación ha aprobado, el proyecto para la recopilación y publicación de las sentencias actuales y futuras de los tribunales nacionales que se refieran a asuntos de Derecho internacional; pero esta recomendación es más bien una propuesta, siendo así que se cree que la experiencia adquirida en la recopilación de las sentencias inglesas y americanas facilitará la realización del otro proyecto mayor.

Como en el caso de las revistas, libros y tratados referentes a ciertas fases del Derecho internacional, la Fundación tiene la intención de fomentar la redacción y distribución de varias obras que traten del arreglo pacífico de las controversias internacionales. Para citar un ejemplo, la Fundación se ha suscrito por un gran número de ejemplares al *Recueil des Arbitrages Internationaux* de los Sres. de Lapradelle y Politis, y adoptado las medidas para colocarlos en las bibliotecas e instituciones de los países extranjeros, de modo que puedan llegar al conocimiento y atención del público que deba ser interesado en publicaciones de esta índole.

Esta relación de la Fundación Carnegie para la Paz Universal demuestra claramente que acepta su misión con seriedad; que se considera una institución

de investigación más bien que una sociedad de paz en el sentido técnico de la palabra; y que por medio de la investigación de las causas y efectos de la guerra y la publicación y distribución en todas partes de dichas investigaciones, y por medio del fomento material que extiende a las instituciones, agencias, y trabajadores en el mismo campo de acción, puede esperarse con seguridad que prestará un servicio importante a la gran causa para la cual fué creada.

## 2. Asociaciones para la Conciliación Internacional

Un distinguido publicista francés dijo hace poco que él estaba opuesto al establecimiento de sociedades nuevas, que ya había tantas que era casi imposible nombrarlas y mucho menos tomar parte en ellas, y que él pertenecía a tantas que apenas, tenía tiempo para ninguna. Puede ser que exagerara, pero en lo que dijo había algo de verdad. Parece ser mejor y más prudente fortalecer las sociedades existentes que crear nuevas para fines casi iguales. Tal es especialmente la opinión de la Fundación Carnegie, la cual, en vez de crear nuevas instituciones, trata de ayudar a las existentes.

Existen muchas sociedades de paz que hacen mucho bien, y no puede dudarse que la formación de otras en sitios donde las hay tendería a aumentar el sentimiento a favor de arreglos pacíficos, donde existe tal sentimiento, y crearlo, donde no existe. Pero yo quisiera llamar la atención sobre sociedades de otra índole de carácter más amplio y sin embargo más restringido que el de las sociedades de la paz; más amplio en el sentido de que tratan de atraer a todas las personas que favorecen los arreglos, pacíficos; más estrecho en el sentido de que generalmente no proponen métodos específicos para adelantar la causa de la paz internacional. Tratan de promover el buen entendimiento, en la creencia de que el buen entendimiento es en sí mismo el camino hacia la paz internacional. Aunque hacen propaganda, sus métodos son conciliadores, no agresivos, y su fundador las llamó, no sin razón, sociedades para la conciliación internacional.

Pero se preguntará ¿con qué objeto fundar una sociedad nueva, cuando al principiar indiqué alguna vacilación sobre el asunto? La razón es que una Sociedad para la Conciliación Internacional es una sociedad de índole distinta de la de las Sociedades de la Paz, propiamente dichas, y que la formación de sociedades nacionales de conciliación internacional no sería reproducción de ninguna sociedad existente ni haría competencia a ninguna. Existe además la poderosa razón de que hay mucha gente en favor de la cultivación de una inteligencia amistosa entre las naciones y que son partidarios ardientes del arreglo pacífico de las controversias internacionales, pero que, sin embargo, vacilan en aliarse con las sociedades de la paz propiamente dichas. Es interesante notar las razones por las cuales personas de un alto grado de inteligencia en favor de un arreglo pacífico se encuentran desinclinadas a matricularse como miembros de sociedades de la paz.

Parece que hay una creencia en la mente popular, indudablemente errónea, de que las sociedades de la paz abogan por la paz a todo precio, que no son patrióticas o que son incompatibles con un patriotismo sano y vigoroso; que sus proyectos para conseguir la paz internacional, aunque numerosos y variados, son fantásticos e impracticables, y divorciados tanto de la razón como de la experiencia, de modo que sus remedios, los cuales tomados en conyunto constituyen el pacifismo, se consideran utópicos.

Ahora bien; al hablar así no deseo crear la impresión de que participo de estas opiniones o que estoy de acuerdo con la crítica que se hace de dichas socie-

dades. Es un hecho, sin embargo, que muchísimas personas estimables vacilan en asociarse con las sociedades de la paz, porque temen que si lo hicieren así, se encontrarían comprometidos respecto de los varios proyectos de las sociedades de la paz y se sujetarían también a la crítica a que se hallan expuestos los pacifistas. Existe una idea bastante esparcida de que las sociedades de la paz son exhortatorias y no constructivas; que recurren al lado emocional de la naturaleza humana; que una gran parte de sus miembros, aunque no exclusivamente, se reclutan del elemento emocional; que las sociedades fortalecen, si es posible, a los que ya han sido convertidos, pero que no atraen a los hombres de negocios fuertes y perspicaces que después de todo dirigen los asuntos del mundo.

Por otra parte, aparece que muchísimos de aquellos que, sea por una u otra razón, vacilan en asociarse con las sociedades de la paz, están no sólo dispuestos, sino en muchos casos ansiosos de formar parte de sociedades de una naturaleza más grande y amplia, que tratan de promover el buen entendimiento entre las naciones, la conciliación internacional y el arreglo pacífico de las controversias.

Háse dicho que entre el espíritu del pacifismo y el espíritu del arreglo pacífico, que se contrastan admirablemente en el francés por las frases "l'esprit pacifiste" y "l'esprit pacifique", existe una diferencia entre la utopía y la realidad, y que los partidarios precipitados del pacifismo en lugar de servir la causa de la paz constituyen de hecho un obstáculo a su realización y retardan su adelanto.

Citaré algunos ejemplos concretos en apoyo de la presente distinción. Un publicista distinguido japonés, conocido muy bien y honorablemente por su actividad en el movimiento de la paz, dice que "la paz" o "la sociedad de la paz" es un término o expresión que no debe emplearse en el Japón, porque la palabra por sí sola, o la frase de que forma parte, comunica una idea especial a sus compatriotas, los que, sin embargo, favorecen el arreglo pacífico, la buena voluntad internacional y la conciliación.

Un filántropo distinguido inglés, que ha contribuído fuertes sumas de dinero al movimiento de la paz y que tiene fe en el movimiento y en la posibilidad de su realización, preguntó si era verdaderamente necesario emplear la palabra "paz" en relación con el movimiento, y dijo que en su experiencia la palabra comunicaba una impresión desfavorable.

He aquí otro ejemplo que muestra las posibilidades del movimiento más amplio en un país en que las sociedades en pro de la paz no prosperan, por lo menos por ahora. Durante el año pasado, se inició en Francfort en Alemania una sociedad para la conciliación internacional, e incluye en la lista de sus miembros muchos de los nombres más distinguidos en el mundo científico, literario, industrial y académico, con inclusión de profesores y maestros de Derecho internacional. Estos señores favorecen enérgicamente un arreglo pacífico, recomiendan una actitud conciliadora en asuntos internacionales, y trabajan en sus respectivas esferas en pro de una buena inteligencia entre las naciones. Pero al mismo tiempo se encuentran desinclinados a asociarse con sociedades de la paz.



Sin embargo, no nos toca criticar. Es mejor que nos demos cuenta de que muchas personas estimables que pueden trabajar por medio de sociedades no pueden o encuentran inconvenientes para trabajar en sociedades de paz o por su conducto. Parece juicioso reconocer estas distintas clases de personas e iniciar organizaciones que servirán como puntos de reunión para los que tienen fe en la buena voluntad y conciliación internacionales, que de otra manera es posible no tomarían parte alguna en el movimiento que está uniendo las naciones más y más, y cuyo principio fundamental es disipar malas inteligencias y por medio de la amistad y buena voluntad adelantar la causa de la paz.

La primera Sociedad para la Conciliación Internacional fué iniciada por el Barón d'Estournelles de Constant en París, y es el modelo de las varias sucursales que se han organizado en otros países. No es necesario advertir que el Barón d'Estournelles, aunque entusiasta por la paz, es un ciudadano leal, tolerante y patriota de Francia. El reconoce una doble forma de patriotismo; el patriotismo que sirve al país en el campo de batalla en el caso de necesidad, y el patriotismo que trata de evitar la guerra cuando ésta no se impone. "El verdadero patriotismo", dice él, "consiste en servir bien a la patria. No es suficiente estar siempre listo a defenderla; es necesario también evitarle dificultades y cargos inútiles, y desarrollar, por medio de la paz, sus fuerzas, sus recursos y su comercio. Estimular su actividad interior bajo la protección de sus buenas relaciones exteriores, tal es nuestro doble programa."

La constitución de la sociedad original para la conciliación internacional expresa los objetos de la asociación como sigue: "La Asociación, que tiene el nombre "Conciliation Internationale" tiene por objeto el desarrollar la prosperidad nacional bajo los auspicios de buenas relaciones internacionales, y organizar estas buenas relaciones sobre una base permanente y durable". Entre los principales medios de acción con los cuales la sociedad se propone realizar su objeto se encuentran los siguientes: educación de la opinión; desarrollo del arbitraje; rectificación de informaciones erróneas; una revista internacional; publicaciones, conferencias, congresos, discursos, exposiciones; difusión de idiomas extranjeros; intercambio de visitas entre asociaciones científicas, profesionales y obreras; y otros medios parecidos. La asociación fundada por el Barón d'Estournelles de Constant ha tenido mucho éxito y cuenta entre sus socios muchos de los ciudadanos más distinguidos de Francia y de otros países. La sociedad publica un pequeño folleto que tiende a promover la buena inteligencia internacional y trata de asuntos del día.

Un ramal norteamericano de la Asociación para la Conciliación Internacional ha sido fundado en los Estados Unidos por el Dr. Nicholas Murray Butler, Presidente de la Universidad de Columbia. Los fines y objetos de esta sociedad son prácticamente idénticos con los de la sociedad original de París. Publica un boletín mensual; y para éste el Dr. Butler ha conseguido artículos de algunos de los autores más conocidos de los Estados Unidos y de otros países, artículos que por su fondo instructivo y estilo agradable han hecho mucho para promover

relaciones amistosas. Los folletos se reparten gratis a personas interesadas o cuyo interés ayudaría al movimiento, y se ha compilado una lista de más de setenta y ocho mil nombres de personas prominentes y responsables en los Estados Unidos y el Canadá, a las cuales se envía el folleto por correo todos los meses.

El año pasado se formó una sociedad alemana a cargo del letrado distinguido, Dr. Nippold, autor del excelente libro sobre el desarrollo del procedimiento en los conflictos internacionales. En el presente año se empezó un ramal inglés bajo la presidencia de Sir Vezey Strong, ex-alcalde de Londres. Se está formando una sociedad canadiense, y me alegraría mucho si se establecieran sociedades en los países que tengo el honor de visitar en Sur América.

Podría preguntarse: ¿cuál es la relación que existe entre la sociedad original y los ramales? Para contestar puedo citar las palabras del Dr. Butler, Presidente del ramal norteamericano de cuyo Comité Ejecutivo tengo el honor de ser miembro. Dice: "Aunque la sociedad de París es la sociedad principal, no existen relaciones formales entre ella y los ramales. Todas trabajan juntas en cooperación y simpatía amistosa, y cada una proporciona a las otras material e indicaciones para su publicación y propaganda." Y al hablar de las sucursales que espera sean establecidas en los países latinoamericanos, dice: "Desearíamos que las sucursales en los países latinoamericanos, si se llegaren a organizar, mantuviesen la misma relación con respecto a la sociedad de París que actualmente mantienen las demás. En otras palabras, nosotros empleamos la misma divisa, la misma señal y consideramos la sociedad de París la fundadora primitiva".

De esta relación muy breve e inadecuada se verá que mientras que las sociedades cooperan y trabajan en armonía, y se consideran afiliadas a lo sociedad primitiva en París, cada ramal es en realidad una sociedad separada e independiente y conduce sus operaciones del modo que la parezca mejor para atraer al público que trata de interesar. El funcionario más importante de la sociedad es el Secretario, el cual en la práctica dirige la sociedad bajo la inspección del Comité Ejecutivo.

Por fervorosos que sean nuestros esfuerzos, no podremos conseguir grandes adelantos en la causa de la paz internacional en breve tiempo, pero no conseguiremos nada si nos cruzamos de brazos y nos ponemos a soñar en otro estado de cosas mejor y más feliz que el actual. Tenemos que hacer el trabajo que encontramos a la mano, con la esperanza de que cada esfuerzo tendrá su resultado, aunque nosotros no lo veamos. La paz internacional vendrá, porque así lo desean los hombres ilustrados de todos los países; pero vendrá despacio, porque tenemos que vencer un impulso mental, un método de proceder profundamente arraigado en la historia. Tenemos el consuelo de saber que lo que viene despacio perdura, y que el conservatismo que hace el cambio difícil, asegurará y mantendrá el resultado de nuestra labor, cuando hayamos conseguido nuestro propósito. Por una buena causa no se trabaja en vano, y seguramente no puede haber nada más noble que disipar errores, establecer relaciones de confianza mutua, y preparar el camino hacia un porvenir brillante y feliz.

### 3. El Propuesto Tribunal de Justicia Internacional

Estamos tan acostumbrados a considerar el Derecho internacional como un sistema universal de derecho, aceptado por todos y cada uno de los miembros de la sociedad de las naciones y aplicado por todas en sus relaciones exteriores, que nos chocaría la afirmación de que, por universal que sea en teoría está lejos de ser universal o uniforme en su aplicación práctica. Cuando surge un conflicto de naturaleza puramente legal entre dos naciones se evoca el Derecho de las naciones que es de aplicación y es decisivo de la controversia, o se supone que lo sea. Una de las naciones presenta un principio como derecho reconocido; la otra niega la existencia del principio o pone en duda su aplicación a la controversia, o admite el principio y que sea de aplicación, pero lo interpreta según su propio interés se lo indique. Hay pocos principios tan claros que no admitan interpretaciones diferentes, y pueden presentarse hechos y a menudo son presentados de tal modo que quedan retirados de la categoría de los casos en que un principio admitido generalmente se aplica o debe aplicarse. Tómese por ejemplo sin extenderme sobre el asunto o tratar de determinar cuál opinión es correcta, la doctrina de la cláusula de la nación más favorecida, la existencia de la cual es admitida por todos pero la cual recibe una interpretación por muchas naciones y otra por los Estados Unidos; o la doctrina del bloqueo que se interpreta y aplica de una manera por las naciones de Europa y de otra por la Gran Bretaña y los Estados Unidos. Queda admitido que existe la cláusula de la nación más favorecida, tal como existe la ley del bloqueo, pero el contenido de la ley y su interpretación son distintos. La práctica de las naciones varía hoy tal como ha variado en el pasado, y la uniformidad en la teoría es en realidad una diversidad de hecho. Para convencerse del alcance de la variación que existe lo mismo en cuanto al contenido y la forma de la ley, y su interpretación y aplicación, sólo necesitamos consultar los tratados autoritativos del Derecho internacional escritos por autores igualmente eruditos y concienzudos de distintas nacionalidades. Cuando las autoridades están contestes podemos considerar el principio establecido; cuando no están conformes, en ese caso, ¿quién debe decidir? En la sociedad de las naciones todas son iguales y no hay ninguna superior. Si existiera un tribunal internacional de justicia tal como existen tribunales de última instancia dentro de las naciones, podría determinarse la cuestión por medio de fallo judicial; pero no existe tal tribunal, y tribunales especiales, ya sean tribunales especiales de la Haya o comisiones mixtas, sólo obligan a las naciones que sean partes y no a las naciones en general, a las cuales la sentencia no afecta. Cada nación así depende de sí misma y juzga de acuerdo con su interés propio a las pasiones del momento, y el dejar de aceptar la contención de una de las naciones, porque ambas contenciones no pueden aceptarse, puede conducir a la ruptura de relaciones amistosas y echar a las naciones a una guerra que parece justificada en el momento pero que es condenada por la historia, la cual es el juez de última instancia de las naciones, sean grandes o pequeñas.

El Palacio de la Paz en La Haya, que fué abierto el 28 de agosto con imponentes ceremonias, es el hogar permanente del Tribunal de La Haya, y es una prueba visible y elocuente del hecho de que las controversias legales de las naciones como las controversias legales de los individuos deben determinarse por aquel proceso de ley que existe en todos los países que pretenden ser civilizados. Y sin embargo por más firmemente que abrigemos la ilusión de que existe un tribunal y por mucho que hablemos de un tribunal permanente en La Haya, sabemos o por lo menos debemos saber que no existe ningún tribunal permanente excepto de nombre; y que sólo hay una lista de jueces de la cual puede formarse un tribunal especial o temporero para la vista de alguna causa, el cual tribunal empieza a existir para dicha causa y se disuelve con la sentencia; que la sentencia sólo obliga a las naciones litigantes que fueron partes en la controversia y su arreglo; que no sienta jurisprudencia excepto en cuanto a dichas naciones; que no obliga a ningún Tribunal consiguiente o especial ya se componga de los mismos o de distintos árbitros; que la sentencia a menudo es la transacción de un conflicto que la diplomacia no ha podido arreglar, y que como transacción o como fallo entre dos naciones no puede desarrollar el Derecho internacional de aquella manera cuidadosa y concienzuda, imparcial y desapasionada, sistemática y científica con que se desarrolla la jurisprudencia nacional.

Para aquellos que han hecho un estudio cuidadoso del método por el cual la ley y el orden son desarrollados dentro de los límites nacionales, es evidente que la ley y el orden entre las naciones se desarrollarán por medio de la acción de las mismas fuerzas en escala mayor y en un campo mayor, porque las naciones del mundo no son más que los habitantes del mundo arreglados en grupos más o menos artificiales; y que la experiencia y la práctica de cada una deben producir en el trascurso del tiempo resultados parecidos. La paz internacional depende así evidentemente del crecimiento de la ley entre los pueblos, y de su interpretación y su aplicación por agencias idóneas entre las naciones como entre los individuos, con tales modificaciones que las diferencias de las condiciones puedan sugerir o requerir. Tomemos un solo y sencillo ejemplo. No habiendo ningún superior en una sociedad de iguales, es difícil comprender cómo un tribunal internacional puede ser armado con el poder de ejecución o cómo las naciones puedan permitir que cualquiera nación o combinación de naciones ejecuten el fallo cuando el uso de la fuerza en el pasado ha producido tantos males y tan fácilmente pudiera inducir a la nación o al grupo de naciones a reclamar o a ejercer un derecho que podría destruir la igualdad e independencia de otras naciones sin cuya igualdad e independencia el Derecho internacional es imposible e inconcebible. Afortunadamente las decisiones internacionales han sido observadas sin excepción, porque la sumisión a arbitraje envuelve el cumplimiento del fallo y la buena fe de la nación indica tal cumplimiento aunque el interés del momento o el amor propio indiquen resistencia al cumplimiento. No necesitamos preocuparnos con una dificultad teórica que no se presenta en la práctica o poner en duda la posibilidad y la eficiencia de un tribunal internacional sólo porque le falta lo que

se supone sea un elemento esencial de un tribunal nacional de justicia, cuando el estudio demuestra que éste es el resultado o desarrollo y una comodidad, pero no un requisito esencial, del procedimiento judicial, o su consecuencia necesaria o inevitable.

Hubiera podido decirse en el 1794 cuando se negoció el Tratado Jay entre la Gran Bretaña y los Estados Unidos que el arreglo de controversias internacionales por medio de comisiones mixtas, era impracticable si no imposible, pero la decisión de cuestiones importantes y perplejas entre los dos países por medio de la comisión mixta organizada de acuerdo con dicho tratado demostró más allá de toda duda la posibilidad y la practicabilidad de tal método. Hubiera podido decirse que las comisiones mixtas o los tribunales temporales sólo estaban capacitados para determinar cuestiones menores o sin importancia o que no se sometería ninguna cuestión importante al arbitraje, pero la Gran Bretaña y los Estados Unidos sometieron al Tribunal de Ginebra las reclamaciones sobre daños hechos por el crucero Alabama, que en una época agitaron las pasiones de los dos países y amenazaron dar lugar a la guerra.

Y también hubiera podido decirse con alguna razón que no podrían arbitrarse cuestiones cuando la ley es dudosa o no existe, pero el Tratado de Wáshington de 1871 demostró lo fácil que es convenir en algunos principios de ley para el arreglo de las reclamaciones si las naciones realmente desean arreglar su controversia por un fallo dictado por la razón. Porque siempre ha sido verdad, según lo dijo el señor Root al poner la piedra fundamental del edificio panamericano en Wáshington—un templo de paz anterior al Palacio de La Haya y no menos imponente—“los asuntos en controversia entre les naciones no son nada; el espíritu con que son tratados es todo.”

Por tanto, cuando la Primera Conferencia de la Paz se reunió en el 1899 en la Haya—el lugar de nacimiento de Grocio, el primer tratadista, si no el fundador, del Derecho internacional—las naciones habían tenido la experiencia de un siglo en el arreglo de controversias, a menudo de naturaleza perpleja y algunas veces aguda, y es natural que hubieran recomendado el arbitraje de las cuestiones “de orden jurídico, y en primer lugar las cuestiones de interpretación o de aplicación de las convenciones internacionales como el medio más eficaz y al mismo tiempo más equitativo de arreglar los litigios que no han sido resueltos por las vías diplomáticas.”

También fué natural y altamente beneficioso que la Conferencia redactara un código de procedimiento arbitral basado en la práctica y la experiencia del siglo, especialmente cuando el Instituto de Derecho Internacional ya en 1874 había redactado tal código que muchos consideran superior al código de la Conferencia.

Pero la Conferencia hizo más: creó un sistema consistente en una lista de jueces nombrados por las potencias de la cual pudiera formarse un tribunal temporero para la vista de una causa. No hizo una lista pequeña y selecta de personas que formarían un tribunal y que las partes en el litigio convenían anticipadamente

en aceptar. Si hubiera hecho esto hubiera creado un tribunal y no solamente la organización para la creación de un tribunal temporero.

Lo que efectivamente hizo se verá de las siguientes citaciones de la *Convention pour le Règlement pacifique des conflits internationaux*.

“*Art. XXIII*. Cada una de las potencias signatarias designará, dentro de los tres meses siguientes a la ratificación por ella del presente acto, cuatro personas lo más, de una competencia reconocida en las cuestiones de Derecho internacional que gozen de la más alta consideración moral y estén dispuestas a aceptar las funciones de árbitros.

Las personas así designadas serán inscritas, como miembros de la Corte, en una lista que será notificada a toda las potencias signatarias por medio de la oficina.

Toda modificación en la lista de los árbitros será llevada, por medio de la oficina, al conocimiento de las potencias signatarias.

Dos o varias potencias pueden entenderse en la designación común de uno o varios miembros.

La misma persona puede ser designada por diferentes potencias. Los miembros de la Corte son nombrados por un término de seis años. Su mandato puede ser renovado.

En el caso del fallecimiento o de la retirada de algun miembro de la Corte, será reemplazado de acuerdo con el modo fijado para su nombramiento.”

Este artículo suministró a las naciones una lista de árbitros posibles. Véase ahora el método por medio del cual debía formarse el tribunal para la vista de la causa:

“*Art. XXIV*. Cuando las potencias signatarias quieran dirigirse a la Corte permanente para el arreglo de una diferencia surgida entre ellas los árbitros llamados a formar el tribunal competente para decidir sobre esta diferencia deben ser escogidos de la lista general de miembros de la Corte.

A falta de la constitución del tribunal arbitral por el acuerdo de las partes, se procederá de la manera siguiente:

Cada parte nombra dos arbitros y éstos juntos escogen a un tercero en discordia.

En caso de empate el nombramiento del tercero será confiado a otra potencia designada de común acuerdo por las partes.

Si no se llegare a un acuerdo sobre esta materia, cada parte designará una potencia diferente y el nombramiento del tercero se hará de acuerdo por las potencias así designadas.

Habiéndose así formado el tribunal las partes notifican a la oficina su decisión de dirigirse a la Corte y los nombres de los árbitros.

El tribunal arbitral se reunirá en la fecha fijada por las partes.”

Además, se formó un Consejo administrativo consistente de los agentes diplomáticos en La Haya para organizar una oficina internacional que actuara como alguacil de la Corte y que vigilara sus operaciones.

Tenemos aquí una maquinaria para la creación de un tribunal temporal; no tenemos una Corte en el sentido propio de la palabra, y mucho menos una Corte permanente, aunque con exageración perdonable la Conferencia dió ese nombre a la maquinaria. Al hacerlo, familiarizó al público con el nombre y el ideal de una Corte permanente, pero hizo difícil crear una institución que fuera permanente en verdad, porque tanto somos esclavos de la palabra que casi nos hemos persuadido que existe una Corte permanente. Así es que cuando abogamos por el establecimiento de un tribunal permanente de verdad, con un cuerpo determinado y permanente de jueces, encontramos o la indiferencia o la pregunta: ¿por que crear otro tribunal permanente cuando ya existe uno?

En la Segunda Conferencia de La Haya—a la cual afortunadamente fué invitada y asistió la América Latina, debido a la habilidad y la insistencia del señor Root, porque una conferencia no puede ser verdaderamente internacional ni legislar para todas las naciones cuando todas no están representadas—se hizo una tentativa de constituir al lado de la Corte permanente así llamada, un tribunal en verdad permanente, compuesto de jueces que actuaran bajo el sentido de responsabilidad judicial, según lo llamó el señor Root.—Este como secretario de Estado instruyó a la delegación norteamericana que presentara y solicitara en la Conferencia la creación de una Corte internacional permanente en el sentido estricto de la palabra.

La necesidad de tal tribunal fué reconocida por muchos miembros de la Conferencia, y Monsieur Bourgeois demostró de un modo brillante y convincente cómo la Corte permanente así llamada podría utilizarse propiamente y con ventaja para cuestiones de índole política porque el tribunal estaría compuesto de árbitros escogidos para el caso especial por tener las partes confianza especial en su competencia, mientras que un tribunal permanente de veras en el sentido jurídico de la palabra podría formarse para la vista de causas de naturaleza legal. El propósito no fué el de disolver la Corte permanente así llamada sino de formar a su lado un tribunal permanente de verdad, dotando así a las naciones de dos agencias de paz y dejándolas libres para usar una u otra según prefiriesen o la naturaleza del caso pudiera sugerir.

Después de mucha discusión que se refería especialmente al método de escoger los jueces, se adoptó el proyecto de una convención con referencia a lo organización, la competencia y el procedimiento del Tribunal de Justicia Arbitral, según se llamó a la nueva institución. No pudiéndose determinar un método generalmente aceptable de escoger a los jueces, debido sin duda a falta de tiempo y a la dificultad del asunto, se aprobó la convención, pero se dejó la institución definitiva del tribunal a las naciones, las cuales se esperaba llegarían a un acuerdo sobre este detalle necesario por la vía diplomática. De todos modos se dió un gran paso hacia la creación de un tribunal permanente de verdad y parecido a tribunales nacionales de justicia.

El proyecto ha merecido la aprobación de publicistas de todos los países, y el Instituto de Derecho Internacional, en su sesión celebrada en Cristianía en 1912,

lo adoptó y recomendó la institución del tribunal después de larga y profunda discusión. El asunto sin duda estará comprendido en el programa de la Tercera Conferencia de la Haya, y se espera que el tribunal tan deseado será instalado en el Palacio de la Paz como tribunal de todas las naciones.

No ofrezco ninguna proposición en cuanto a la composición del tribunal o en cuanto al método de escoger los jueces. Sólo llamo la atención sobre el hecho de que el proyecto queda aprobado por la Conferencia de las naciones, por los publicistas más acreditados, por el Instituto de Derecho Internacional, y por la opinión pública de todas las naciones; y pido que se piense en el problema de escoger los jueces y que los gobiernos se fijen en él, porque tiene que ser solucionado y no puede ser solucionado sin el más cuidadoso estudio y consideración de los mejores pensadores del mundo. En la solución definitiva del problema la América Latina tiene el derecho de ser oída, y es el deber de nuestro continente con sus veintiuna naciones, casi la mitad de las naciones que participan en la Conferencia, expresarse clara y terminantemente no a favor de determinada nación, ni a favor de determinado continente, sino a favor de los intereses del mundo. Me gusta la frase bonita e imponente del ilustrado Presidente de la Argentina: La América Latina—mejor diría, la América entera—por la humanidad.

Sin prolongar un artículo que ya es más largo de lo que yo deseaba, quisiera hacer algunas indicaciones para demostrar que un Tribunal de Justicia Internacional es inevitable, si se lee bien la historia. Los partidarios del arbitraje en vez de procedimientos judiciales en el sentido estricto y técnico de la palabra, parecen considerar el arbitraje como la culminación de un desarrollo largo y penoso y creer que no debe irse más allá,—cuando en realidad, el arbitraje no es más que un paso, aunque un paso importante, en la transición del período en el cual los quejosos se hacen la justicia por sí mismo, al período de los procedimientos judiciales. No debe causar sorpresa el que dejemos de notar la relación histórica entre el arbitraje y los procedimientos judiciales, porque los mismos jurisconsultos del Imperio Romano consideraban el arbitraje, no como la fuente de sus instituciones judiciales, sino como una modificación de aquellas instituciones. Sin embargo, los juristas modernos han demostrado que entre los antepasados de las naciones europeas los descontentos se hacían la justicia por sí mismos, que surgió la costumbre de someter la controversia a un tercero para dicitirla, y que este método se hizo general, escogiendo las partes por mutuo acuerdo a la persona que debía actuar de juez o árbitro. Los investigadores del Derecho romano han demostrado que ocurrió lo mismo en Roma y que por medio de un desarrollo largo y paulatino el arreglo de las disputas por arbitraje dió lugar a los procedimientos judiciales y culminó en el establecimiento de una judicatura permanente. Así las partes de la controversia convenían en someterla al arbitraje; también convenían en el nombramiento de un juez, el cual era un particular y no un funcionario público, y cuyas sentencias no se consideraban un acto del Estado, sino la opinión o sentencia de un juez o árbitro, que sería ejecutada por las partes que con anterioridad habían convenido en aceptarla. En el curso del tiempo se



preparó una lista de jueces, llamada el "Album Judicum", de la cual las partes debían escoger los jueces para cada caso, hasta que por fin, en el reino de Diocleciano, el juez o árbitro particular fué sustituido por el magistrado, cuya sentencia se consideraba como un acto del Estado y era ejecutada como tal. La analogía entre el desarrollo de aquel sistema de jurisprudencia que rige o ejerce influencia sobre la mayor parte de las naciones civilizadas, y el desarrollo que actualmente se está verificando entre las naciones, es tan obvia que casi no necesita comentarios. Las naciones que tienen disputas han tratado, y por desgracia aun tratan, de hacerse justicia con las armas por agravios reales o supuestos. Se ha desarrollado un sentimiento que condena tal conducta sin límites o restricciones, y por tanto las naciones a menudo convienen por medio de tratados o convenciones, que no son ni más ni menos que contratos, en someter las controversias a jueces que ellas mismas escogen. En el año 1899 la Primera Conferencia de La Haya siguió, al parecer inconcientemente, el precedente del Derecho romano y creó una lista de jueces—el moderno Album Judicum—de la cual las partes debían escoger los jueces o árbitros al surgir un caso; y en la Segunda Conferencia de La Haya se trató, como ya he dicho, de dar el paso definitivo y final en este desarrollo inconsciente y crear un tribunal permanente de verdad. Es, pues evidente que el arbitraje no es un fin, sino un medio para llegar a un fin, y que histórica y lógicamente desarrolla una judicatura y procedimientos judiciales.

Con facilidad, podría demostrar cómo el sistema de tribunales a comisiones temporales entre las naciones ha resultado poco satisfactorio en el trascurso del tiempo y que al fin se crearon tribunales judiciales permanentes. Así los tres cantones que formaron el núcleo de la Confederación Suiza convinieron en el 1291 en someter sus disputas al arbitraje de personas que poseyeran la confianza de la comunidad. En el siglo siguiente los cantones convinieron en someter sus controversias a árbitros que ellos mismos escogerían y más adelante adoptaron varios métodos de escoger los jueces para estos tribunales temporales. En el 1848 el sistema de arbitraje por tribunales temporales fué sustituido por un tribunal federal permanente. Un distinguido publicista suizo, M. Dubs, ha descrito las ventajas del sistema permanente sobre el sistema de lo que él muy bien llama "Tribunaux de hasard". Dice entre otras cosas: "Se nombra al juez para toda una serie de causas, sin referencia a ninguna causa especial; aquellos que lo nombran son completamente imparciales; pueden pesar con cuidado sus cualidades morales y su competencia técnica; se introduce un orden fijo en el procedimiento, una tradición en las sentencias, y la claridad en su ejecución."

También podría citarse el ejemplo de los Estados Unidos. En el primer Convenio de Confederación de 1778, los Estados de la Unión dispusieron que las disputas que surgieran entre ellos fueran determinadas por medio de comisiones temporales. Algunas controversias fueron juzgadas por esta clase de tribunales pero el resultado no fué satisfactorio. Por esta razón la Constitución de 1787 confirió al Tribunal Supremo de los Estados Unidos la facultad de examinar y decidir las disputas entre los Estados, y este sistema ha dado resultados tan

satisfactorios que no podemos comprender las objeciones que se hacen al arreglo de cuestiones entre las naciones por medio de tribunales judiciales formados por jueces que actúen con espíritu de responsabilidad judicial.

Para que no se diga que la formación de un tribunal permanente es posible solamente en una confederación como Suiza y en un Estado federal como los Estados Unidos, me apresuro a llamar la atención sobre el hecho de que el establecimiento de un Tribunal de Justicia Internacional no depende de ningún modo de una federación de Estados. Sólo requiere una unión pública para un fin judicial. Hay muchos ejemplos de uniones públicas, siendo la mejor conocida la Unión Postal, a la cual pertenecen todas las naciones y colonias autónomas y que tiene un negociado que decide las disputas. Es claro, pues, que dentro de límites nacionales el arbitraje ha llegado a procedimientos judiciales y que las naciones que han tenido tribunales temporales los han sustituido con el sistema más satisfactorio, más imparcial, menos costoso y más expedito, de decidir las disputas legales entre sus cantones o Estados, por medio de un tribunal permanente, cuya sentencia obliga a todos los cantones y Estados. Las cincuenta o más uniones públicas para un fin especial demuestran que tal unión es compatible con la existencia independiente de las naciones.

Si la historia está con nosotros, el porvenir está asegurado. Podemos seguir con confianza la experiencia de las naciones, porque en este caso no estamos andando a ciegas, sino con conocimiento de las dificultades del sistema antiguo, y de las ventajas del nuevo; y la experiencia del pasado y del presente nos sirve de guía.

#### 4. La Propuesta Academia de Derecho Internacional de La Haya

En la Segunda Conferencia de La Haya a la cual fueron invitados todos los Estados americanos, y en la cual participaron todos los referidos Estados, con dos excepciones, el señor Sturdsa, entonces primer Ministro de Rumanía, propuso que se estableciera en La Haya una Academia de Derecho Internacional la cual "de un modo metódico, mantendría la ciencia en el mismo nivel de los principios enunciados por la Conferencia, y la práctica en el mismo nivel con el progreso que se haya inaugurado." Para efectuar este propósito noble y benéfico, el señor Sturdsa propuso que se escogieran los miembros de la Academia de entre los hombres eruditos, los profesores de universidades, y los jurisconsultos más eminentes de todos los países, hombres cuya competencia sea reconocida en los distintos ramos del Derecho internacional, el Derecho internacional privado, las leyes de la guerra, el derecho comercial comparativo, los sistemas comerciales y las relaciones económicas, los sistemas coloniales y la historia del Derecho internacional.

La Academia también debía ser internacional en el sentido de que se diera la instrucción indistintamente en alemán, inglés, francés e italiano durante tres o cuatro meses de cada año, preferentemente durante mayo, junio y julio. El cuerpo de estudiantes debía componerse de diplomáticos, oficiales del ejército y personas empleadas en los departamentos administrativos más altos del Estado, y hombres eruditos que debían ser nombrados por cada Estado que tomara parte en la creación de la Academia. Los gastos debían ser cubiertos por dichas naciones, y la Academia debía quedar bajo el control y la inspección del Consejo permanente administrativo de La Haya, el cual se compone, como es bien sabido, de los representantes diplomáticos de los distintos países representados en La Haya.

Esta proposición del señor Sturdsa se presentó en una carta al Presidente de la Conferencia, el cual leyó la carta y el proyecto de la constitución de la Academia que fué remitido con la carta. Dió su cordial aprobación al proyecto y expresó el deseo de que la indicación inspirara a algún benefactor generoso la idea de seguir el ejemplo del señor Carnegie y de inmortalizar su nombre, conectándolo con un establecimiento que sería de gran servicio a la causa de la Paz, y que aseguraría la justicia al contribuir a la diseminación de sus principios y á la instrucción de dignos trabajadores en ese campo.

La Conferencia no dispuso nada en cuanto al proyecto del señor Sturdsa, pero la carta y la propuesta constitución formaron parte de los archivos de la Conferencia y se encuentran publicados en el informe oficial de sus trabajos. Sin embargo no se perdió de vista la idea, y se formó un Comité holandés bajo la presidencia del señor Asser para interesar la Fundación Carnegie y si posible, conseguir de sus fondos el dinero necesario para mantener la Academia. La Fundación ha aprobado la idea en principio y se ha mostrado dispuesta a suministrar los medios necesarios para la instalación de la Academia en el Palacio de la

Paz, donde debe ser colocada, así como también los gastos que fueren requeridos para su funcionamiento, en el caso de que resultara :

1.) Que hay un deseo general entre las naciones de que se establezca esta Academia, y

2.) que las naciones demostrarán su interés, designando a uno o más funcionarios para asistir a los cursos y aprovecharse de ellos.

La razón de esta actitud de parte de la Fundación es obvia, porque debemos fortalecer las instituciones existentes mejor que crear nuevas, a no ser que se demostrara claramente su utilidad y su necesidad.

Estas ideas fueron comunicadas al señor Asser. Éste a su vez se puso en comunicación con los primeros publicistas de Europa, y de las contestaciones que le dieron apareció que hay un deseo muy general, casi puede decirse unánime y universal de que se cree la Academia. El Ministro de Relaciones Exteriores de Holanda hizo averiguaciones por medio de conductos diplomáticos sobre la disposición de las naciones de participar en la Academia del modo sugerido por la Fundación, es decir designando estudiantes para seguir sus cursos, y aunque no se ha recibido contestación de todos los países, porque la diplomacia se mueve algo despacio y cautelosamente, es evidente que la proyectada Academia no carecerá del apoyo de un buen numero de naciones. Debe referirse aquí que el asunto de la Academia ha sido sometido dos veces a la Asociación de Derecho Internacional y aprobado por sus miembros, y que, en una sesión reciente del Instituto de Derecho Internacional que se celebró en Oxford en el mes de agosto del presente año, aquel importante cuerpo se expresó clara y casi unánimemente a favor del establecimiento de la Institución propuesta. Puede decirse, por lo tanto, que por lo menos una de las dos dificultades que obstruían el camino de su creación ha sido removida, y si nuestros amigos de Sur América aprueban la idea y sus gobiernos designan una o más personas idóneas para asistir a sus cursos, la Academia dejará de ser proyecto y abrirá sus puertas a estudiantes competentes de todos los países.

Tengo instrucciones especiales de presentarles este asunto, con la esperanza de que encuentre la aprobación de los publicistas latinoamericanos y que los gobiernos de las repúblicas americanas estén dispuestos a participar en el sentido de designar a personas competentes que deban asistir a los cursos de la Academia. Creemos que gustosamente designarían a tales personas si el asunto les fuera presentado debidamente y comprendieran que el establecimiento de la Academia depende en gran medida de su cooperación. Puedo decir además, de acuerdo con las instrucciones que he recibido, que si los Poderes Ejecutivos de los Estados latinoamericanos expresaran su disposición de cumplir con la invitación que se hiciera por conductos diplomáticos por el Ministerio Holandés de Relaciones Exteriores, es probable que se habrá vencido la última dificultad para la creación de la Academia.

Permítaseme bosquejar brevemente el plan de la Academia en proyecto. Puede decirse que es todavía el plan del señor Sturdsa con algunas modificaciones y adiciones importantes. La Academia debe ser en primer lugar una Academia de Derecho Internacional y de asuntos relacionados. Debe celebrar sesiones durante tres meses del año, preferentemente desde julio hasta octubre, es decir, durante las vacaciones de las universidades y las escuelas de ciencias políticas. Se darán cursos de instrucción sistemáticos en español, así como también en alemán inglés, francés e italiano. Sin embargo, la Academia no quedará bajo el control ni dependerá del apoyo de las naciones, aunque se espera que las naciones, según indicó el señor Sturdsa, designarán personas idóneas para asistir a los cursos. La Academia será instalada en el Palacio de la Paz que fué abierto recientemente y será administrada en todos sus aspectos materiales por el comité encargado de dicho Palacio. Su curso de estudios será determinado por un cuerpo llamado el Curatorium que se compondrá, en primer lugar, de anteriores presidentes del Instituto de Derecho Internacional que representarán a distintos países, y así el aspecto internacional será tan efectivo como aparente. Las cantidades necesarias para el mantenimiento de la Academia serán suministradas por la Fundación Carnegie y serán administradas por un comité especial de hacienda con asiento en La Haya. Se ha creído mejor colocar a la Academia bajo control particular, y no solicitar que los gobiernos suministren ninguna parte de los fondos requeridos, aunque se espera, según ya he indicado, que demostrarán su interés, designando estudiantes que deban seguir los cursos.

Sin entrar más en los detalles, los cuales, aunque importantes, no son de interés general, puedo decir en dos palabras, que el objeto específico de la Academia es, según dice el Comité holandés "promover el estudio del Derecho internacional público y privado y de las ciencias políticas, incluyendo también el Derecho internacional civil y penal y las ciencias políticas en relación con el Derecho internacional, etc."

Los medios de conseguir este fin son :

1. Conferencias sobre asuntos especiales por los profesores más competentes de dichas ciencias proviniendo los profesores de distintas naciones.
2. Instrucción sistemática sobre el todo o alguna parte especial de alguna de dichas ciencias por los profesores más competentes, que también serán de diferentes países.
3. Instrucción superior que se dará por conferencistas y profesores de acuerdo con el método de seminario que ha producido resultados tan brillantes en Alemania y otros lugares donde se ha aplicado, y
4. La publicación de los cursos dados por conferencistas distinguidos.

Si analizamos estos métodos veremos que discursos sobre asuntos especiales y del día serán pronunciados por conferencistas de grandes alcances que no sólo saben la teoría sino que han tenido la ventaja de adquirir experiencia práctica en

los asuntos que deben tratar. Así para dar un solo ejemplo puedo decir que el distinguido publicista y árbitro francés, Monsieur Louis Renault, que ha representado a su país con especial habilidad en todas las recientes conferencias internacionales, incluyendo dos en La Haya, y que es el árbitro preferido en las disputas entre miembros de la familia de las naciones, ha convenido en dar, en el caso de establecerse la Academia, un curso de treinta conferencias sobre arbitraje y procedimiento arbitral. Estas conferencias serían dadas en francés y una vez publicadas serían muy repartidas. Los folletos serían colocados en bibliotecas públicas y en bibliotecas de las universidades, y serían expuestos a la venta a precios módicos para que todos los interesados en el asunto pudieran conseguir el tomo impreso. Se espera que cuatro o cinco conferencistas de distintos países darían cursos sobre asuntos importantes y del día de naturaleza teórica durante cada sesión de la Academia.

Por supuesto se solicitaría también a los distinguidos publicistas de la América Latina que pronuncien discursos en español sobre los distintos problemas de las relaciones internacionales. Se dará instrucción sistemática por profesores de distintas nacionalidades y de reconocida competencia, y, en vista de que sería imposible o no sería práctico tratar la totalidad de un asunto durante una sola sesión sin peligro de enseñanza superficial, se propone que los temas sean divididos en sus partes componentes y que cada parte sea tratada por separado, si esto es posible o conveniente.

Fácilmente podemos comprender las ventajas que tendrían para los estudiantes los distintos puntos de vista de los diferentes profesores. Los cursos serían no sólo cursos de Derecho internacional, sino también, pudiera decirse, cursos de Derecho internacional comparado, porque desgraciadamente el Derecho internacional está afectado por sentimientos nacionales, tal como el río lleva indicios del terreno que atraviesa. Y esto sería una ventaja no sólo para los estudiantes, sino que es probable que sería una ventaja aún mayor para los mismos profesores, los cuales por el contacto diario y el intercambio de pensamientos estarían obligados a tomar nota de las opiniones de sus colegas de otras nacionalidades y así se verían impulsados a internacionalizar el Derecho internacional.

Además, es fácil comprender el gran beneficio que derivarían los estudiantes menos avanzados del estudio bajo conferencistas y profesores tan distinguidos. Estos también sacarían provecho del intercambio del pensamiento que necesariamente ocurriría en los cursos íntimos y pequeños, porque el número de estudiantes adelantados en el seminario sería pequeño en comparación con el número que asistiría a las conferencias en general y a la instrucción sistemática.

No es difícil crear la Academia, invitar conferencistas, y conseguir los servicios de profesores eminentes durante un término del verano. Podría sin embargo ser difícil encontrar un cuerpo de estudiantes y la Fundación no desea que los especialistas distinguidos den conferencias en aulas vacías. También la Fundación desea que el cuerpo estudiantil sea de tal clase y de tal nivel intelectual y provenga de tantos países diferentes que la influencia de la Academia se haga

sentir entre los especialistas del Derecho internacional, que lleguen a ser profesores, diplomáticos, o sigan otras carreras. Esta es una de las razones porqué se considera esencial la cooperación de los gobiernos extranjeros, porque si cada país que estuvo representado en la Segunda Conferencia de La Haya designa aunque sea un sólo estudiante en cada año, el cuerpo estudiantil, por pequeño que sea, sería tal que aprovecharía la instrucción y quizás influiría benéficamente las relaciones extranjeras de los respectivos gobiernos.

Vamos a considerar ahora de qué modo la Academia se distinguiría de las academias existentes :

1. Se instalaría en el Palacio de la Paz en La Haya y los estudiantes no podrían dejar de verse impresionados por los fines y propósitos del Palacio de la Paz donde han de celebrarse las sesiones.

2. Los conferencistas serían escogidos del mundo en general y los discursos serían pronunciados en cualquiera de cinco idiomas. La publicación de los discursos enriquecería el Derecho internacional con una serie de monografías y así dentro de algunos años los estudiantes en todas partes del mundo podrían aprovechar los conceptos e ideas maduras de hombres distinguidos prácticos y teóricos, lo que no ocurriría si no existiera la Academia.

3. El pequeño claustro sería único en el sentido de que se compondría de profesores provenientes de distintos países que darían conferencias ante estudiantes que representarían a las naciones del mundo que reconocen y aplican el Derecho internacional en sus relaciones exteriores.

4. Los seminarios serían únicos en el sentido de que en vez de ser nacionales, como ocurre con los ahora existentes, serían internacionales y dirigidos por peritos de distintas nacionalidades.

Hay tanto que podría decirse a favor de la Academia, y hay tan poco que podría objetarse a su institución, que sus promotores creen que debe ser establecida sin más demora. No entraría en competencia con ninguna institución existente, en carácter, en calidad, o en cuanto al tiempo de sus sesiones. Ofrece instrucción igualmente única y que no podría conseguirse en otra parte. Parece que queda un solo obstáculo para que sea realizada. Si los países latino-americanos consintieran en designar a una o más personas competentes de cada una de las repúblicas americanas para seguir las conferencias y los cursos de la Academia, la Fundación se sentiría justificada en dar los últimos pasos para su organización. No debo traspasar los límites de la conveniencia y pedir a vuestros gobiernos que participen en los trabajos de la Academia, pero puedo aseguraros que, con vuestra cooperación, la Academia llegará a ser una realidad, en vez de ser lo que ha sido durante muchos años, un sueño, una esperanza, la aspiración de los publicistas de muchos y distantes países.

### 5. Comités Nacionales para la Tercera Conferencia de La Haya

No es necesario llamar la atención a los diplomáticos y delegados latino-americanos que tomaron una parte tan importante en la Segunda Conferencia de La Haya, sobre la necesidad de preparar bastante tiempo antes de la Tercera Conferencia los distintos planos y proyectos que sus respectivos gobiernos piensen proponer. Es bien sabido que el trabajo de preparación no se había hecho de un modo satisfactorio por todos los gobiernos que estuvieron representados en la Segunda Conferencia. Se cree que muchos proyectos fueron redactados en La Haya sin consultación con los gobiernos y que ocurrieron demoras para que éstos pudieran recibir los proyectos que sus delegados deseaban presentar, y dar las instrucciones correspondientes. Es posible que la Conferencia no hubiera quedado en sesión durante tanto tiempo si se hubiera hecho la preparación necesaria antes de la llegada de los delegados a La Haya, y que se hubiera evitado la tirantez que a veces se observaba, especialmente durante las últimas semanas de la Conferencia.

La Conferencia misma estuvo convencida de que, en el caso de celebrarse una tercera Conferencia, el programa debía redactarse con tiempo bastante antes de la fecha de la reunión y comunicarse a los Poderes, para que éstos pudieran preparar los proyectos que quisieran presentar. El resultado de este sentimiento fué la aprobación del siguiente acuerdo:

“La Conferencia recomienda a los Poderes la reunión de una Tercera Conferencia de la Paz, que podría celebrarse dentro de un período análogo al transcurrido desde la Conferencia precedente, en una fecha que se fijara de común acuerdo entre los Poderes, y se llama la atención de los Poderes sobre la necesidad de preparar los trabajos de esta tercera Conferencia con bastante anticipación para que sus deliberaciones sigan con la autoridad y la rapidez indispensables.

“Para conseguir este fin, la Conferencia cree que sería muy conveniente que como dos años antes de la época probable de la reunión, un Comité Preparatorio reciba el encargo por parte de los gobiernos de la tarea de coleccionar las diferentes propuestas que han de someterse a la Conferencia, de averiguar cuáles son los asuntos que están listos para su inclusión en un reglamento internacional, y de preparar un programa que los gobiernos deben resolver en tiempo suficiente para permitir que se estudie cuidadosamente por los países interesados. Este Comité también estaría encargado de proponer un modo de organización y procedimiento para la Conferencia misma.”

La Conferencia por tanto recomendó que se convocara una tercera Conferencia, y como todos los Poderes estuvieron de acuerdo con el acuerdo es evidente que puede esperarse una tercera Conferencia. El Dr. Andrew D. White cita, en su interesante autobiografía, una conversación con Monsieur de Staal, Presidente de la Primera Conferencia, en la cual éste dijo que era probable que en el siguiente año se reuniera una segunda Conferencia. No hubo tal reunión, y trascurrieron ocho años entre la primera y la segunda. Sin fijar época precisa, se



conviene que una tercera Conferencia debe reunirse aproximadamente ocho años después de la clausura de la segunda, es decir, alrededor del mil novecientos quince. La fecha precisa de la reunión debe fijarse por común acuerdo entre los Poderes, y para que éstos tengan tiempo suficiente para prepararse, se propuso que unos dos años antes de la reunión se nombrara un Comité Preparatorio para averiguar cuáles son los asuntos que pueden ser objeto de un convenio internacional y para preparar un programa con bastante anticipación para que sea estudiado cuidadosamente por los Poderes.

Si han de llevarse a la práctica las recomendaciones de la Conferencia, es evidente que deben darse pasos durante el año actual para formar este Comité Preparatorio. En cuanto se sepa, los gobiernos no han resuelto que la Tercera Conferencia se reúna en mil novecientos quince, ni han convenido en ninguna otra fecha determinada, pero es de esperarse que, si la reunión no se convoca para el mil novecientos quince, se celebrará pronto después de dicho año, porque sin duda la opinión pública será tan insistente como ocurrió antes de la reunión de la Segunda Conferencia. De todos modos, es evidente que el Comité Preparatorio tiene un encargo muy difícil y que necesita toda la luz que pueda recibir de todas partes del mundo.

Ahora bien, es claro que una responsabilidad muy seria descansa sobre cada uno de los gobiernos que fueron invitados a la Segunda Conferencia y que sin duda serán invitados a la Tercera Conferencia, porque tanto el éxito de la Conferencia como la forma y el carácter del programa dependen de la cooperación de los gobiernos. Hay veintiuna Repúblicas americanas, y veinte de ellas son las que generalmente se llaman las Repúblicas latinoamericanas. Es decir, la América Latina constituye casi la mitad de las naciones invitadas o que realmente participan en la Conferencia, y como cada nación tiene un voto, salta a la vista que la América Latina por la mera fuerza de los números, y aparte de su importancia intelectual, puede hacer mucho para determinar la naturaleza y el contenido del programa. Este hecho impone una gran responsabilidad a los representantes americanos, porque el derecho y el deber son términos correlativos.

Suponiendo que la Conferencia se celebre en 1915 o 1916, y que se forme un Comité Preparatorio de los Poderes unos dos años antes de la fecha de la reunión, los gobiernos que fueron invitados a la Segunda Conferencia debieran dar pasos para formular sus ideas y tenerlas listas para ser presentadas al Comité Preparatorio en cuanto éste sea constituido. ¿Cuál es la mejor manera de hacer preparaciones para la Tercera Conferencia? Muchos gobiernos europeos han nombrado pequeños comités nacionales para considerar los asuntos que sus respectivos gobiernos quisieran ver incluidos en el programa, como también para formular y dar expresión a opiniones sobre los demás asuntos comprendidos en el acuerdo. El Sr. Elihu Root me ha encargado que haga la indicación de que cada país americano nombre un comité nacional para la consideración de posibles contribuciones al programa de la próxima Conferencia de La Haya,

y que se trate también de que estos comités en toda la América se comuniquen entre sí. Esta indicación se hace en la esperanza de que la encuentren buena los distintos países que tengo el honor de visitar. No quiere decir que los países americanos deban ponerse de acuerdo sobre un programa común y que éste sea presentado al Comité Internacional como la opinión del Hemisferio Occidental; sino que creemos que hoy como siempre hay acierto en una multitud de consejos.

Paso a la cuestión del nombramiento del Comité Preparatorio Internacional, porque es asunto de gran importancia en el cual debe oírse la voz de América. Si bien es verdad que el Comité Internacional presentará su informe a las naciones en general y que éstas en última instancia aceptarán o rechazarán el programa, sin embargo es muy probable que la recomendación de este Comité sea adoptada, de modo que el programa de la Tercera Conferencia en realidad no será redactado por los Poderes en consulta, sino por los miembros del Comité Preparatorio. ¿Cómo se compondrá este Comité Internacional? ¿Tendrá representantes de los Poderes grandes y de algunos de los pequeños? En tal caso ¿quién escogerá los Poderes? Es éste un asunto muy difícil y que merece estudio serio. Bien se sabe que el Presidente Roosevelt tomó la iniciativa para llevar a cabo la reunión de la Segunda Conferencia. Es un hecho, sin embargo, que el programa fué redactado por Rusia después de consultar con varios Poderes que quiso consultar, pero parecería más respetuoso para los Poderes participantes, y más importante para el mismo programa, que se solicitara a todos que contribuyeran sus indicaciones sobre la formación del programa y no sólo que ratifiquen un "fait accompli." Creo que la práctica de las Repúblicas americanas podría servir de ejemplo a los países en general. Me refiero a la Unión Panamericana, a la cual pertenecen todos los Estados americanos, y a su Junta Gubernativa, que se compone de los representantes diplomáticos de todas las Repúblicas latinoamericanas bajo la presidencia del Secretario de Estado de los Estados Unidos. Es la práctica de la Junta referir los asuntos importantes a pequeños comités para su estudio e informe; el pequeño comité no tiene facultades propias: sólo somete a la Junta el resultado de sus trabajos y en su caso hace alguna recomendación. Ahora bien, el Consejo Administrativo del Tribunal Permanente de La Haya se compone de los agentes diplomáticos de los distintos países representados en La Haya, bajo la presidencia del Ministro de Relaciones Exteriores de Holanda. En vista de que el programa para la Tercera Conferencia interesa a todas las naciones tal como el programa de las Conferencias Panamericanas interesa a todas las Repúblicas americanas, podría muy bien, por convenio entre los Poderes, dotarse a dicho Consejo Administrativo, compuesto de los representantes de los Poderes, de los deberes y funciones del Comité Preparatorio Internacional: en otras palabras, que dicho Consejo sea el Comité Internacional y que tenga facultades para nombrar un pequeño comité que se podría llamar comité ejecutivo — un comité de examen o de estudio, que considerara los asuntos mencionados en el acuerdo y presentara sus informes y recomendaciones al Consejo Administrativo. Un comité pequeño podría formarse sin dificultad, porque tales comités se nombraron a menudo

durante la Segunda Conferencia de La Haya sin que resultara ninguna tirantez. Los miembros de tal comité indudablemente consultarían con sus gobiernos y así los proyectos informados ya tendrían el apoyo de algunos países, y los demás miembros del Consejo probablemente estarían al tanto de los trabajos del subcomité, o, en todo caso, podrían someter los informes del comité a sus respectivos gobiernos y pedir instrucciones. Es probable que pudieran celebrarse reuniones frecuentes del Consejo para oír informes del comité, porque el cuerpo diplomático reside en La Haya y sus miembros se encuentran constantemente y sostienen relaciones amistosas. Así los gobiernos representados en La Haya quedarían siempre al tanto de los trabajos de los comités.

Pudiera quizás haber una objeción a este plan, porque aunque cuarenticuatro Estados estuvieron representados en la Segunda Conferencia, sólo treinticuatro tienen representantes diplomáticos en La Haya. A esta objeción podría contestarse que los países sin representación podrían nombrar agentes diplomáticos, o podrían recibir los informes del comité, del Ministro de Relaciones Exteriores de Holanda, como Presidente del Consejo Administrativo, y transmitirle sus opiniones.

No lo considero conveniente tratar de enumerar los asuntos que han de incluirse en el programa, porque sobre eso tendrán que decidir los Ministerios de Relaciones Exteriores. Puedo advertir sin embargo, que la Segunda Conferencia consideró como trabajos no concluídos los proyectos de la Primera, y que sin duda, la Tercera Conferencia considerará como trabajos no concluídos los acuerdos provisionales y recomendaciones de la Segunda. Además, la Segunda Conferencia revisó las convenciones de su predecesora a la luz de la experiencia y reflexión más madura, y es de presumirse que la Tercera Conferencia someterá los trabajos de su ilustrada predecesora a examen, crítica y modificación. Es muy probable que se incluyan en el programa :

1. Un tratado general de arbitraje en que los Poderes convengan en el arbitraje generalmente, con las reservas acostumbradas, o en arbitrar listas de asuntos determinados a los que no se apliquen las reservas.

2. El establecimiento definitivo de un Tribunal de Justicia Arbitral, escogiéndose un método de componerlo que sea agradable a todos los Estados.

3. La consideración de la Declaración de Londres sobre tribunales de presa, porque apenas puede esperarse que los treinta y pico de Poderes no representados en Londres estarán dispuestos, por medio de la aceptación de la Declaración, a considerar los diez Poderes que redactaron el documento como sus representantes para este o cualquier otro objeto.

También me permito llamar vuestra atención sobre el hecho de que el Instituto de Derecho Internacional nombró un comité especial para considerar los asuntos que convendría discutir en la próxima Conferencia de la Paz y adoptó la siguiente lista :

1. Elaboración de los reglamentos referentes a las leyes y costumbres de la guerra marítima en las relaciones entre beligerantes.
2. Creación de un Tribunal de Justicia Arbitral.
3. Un tratado general de arbitraje.
4. Elaboración de los reglamentos referentes a una organización permanente de la Conferencia de la Paz.
5. Extensión de la Convención de 18 de octubre de 1907, sobre apertura de hostilidades, para que cubra todas las agencias internacionales de coerción en general.
6. Determinación de la faja marítima y reglamentación de su esfera.
7. Los efectos de la guerra sobre los derechos privados de individuos nacionales de los Estados beligerantes.
8. Reglamentos referentes a barcos aéreos en tiempo de guerra.
9. Reglamentos referentes a faros en tiempo de guerra.
10. El valor de laudos arbitrales con relación a las jurisdicciones y autoridades nacionales.
11. Inmunidades diplomáticas y consulares.
12. Competencia de los tribunales con referencia a Estados extranjeros.

Es muy importante que las Repúblicas americanas estudien los asuntos que han de incluirse en el programa y formulen proyectos para su presentación y discusión en la Conferencia, porque no es suficiente que las repúblicas tan sólo sean invitadas a la Conferencia y participen en ella. América debe contribuir al resultado y sólo puede hacerlo en debida forma si se ha estudiado bien el programa y los proyectos han sido considerados y redactados con anticipación a la reunión de la Conferencia.

Pero existe otro punto de vista desde el cual debe estudiarse el asunto y que justificaría en alto grado los nombramientos de comités nacionales sin referencia a la influencia de tales comités sobre los trabajos del Comité Preparatorio. La cuestión de actitud es de importancia fundamental al considerar la conferencia internacional, porque no es de presumirse que los intereses nacionales revestan la misma importancia en una conferencia internacional que tienen en el país respectivo. Por lo tanto, una nación que participe en una conferencia internacional debe considerar, no sólo hasta qué punto puede conseguir la aceptación de sus opiniones nacionales, sino hasta qué punto le es posible, en interés del bien común, sacrificar sus opiniones nacionales e intereses particulares, o hasta qué punto puede aceptar una transacción cuando sea absolutamente imposible ceder. Considerado solamente desde este punto de vista, créese que los comités nacionales prestarían un servicio real a sus respectivos países.

Ha sido la opinión de distinguidos publicistas que se ha hecho más progreso efectivo en el desarrollo del Derecho internacional desde la reunión de la Primera Conferencia que en el intervalo entre dicha fecha y el Congreso de Westphalia.

Esto puede o no ser verdad, pero créese que la reunión de dicha Conferencia y la reunión de conferencias posteriores, fué y será de mayor importancia que cualesquiera convenciones celebradas, declaraciones adoptadas, resoluciones convenidas o recomendaciones hechas en cualquiera época. La importancia de la Primera Conferencia, aparte de su trabajo, consiste en el hecho de que veintiséis naciones estaban dispuestas a reunirse y discutir cuestiones de interés general, diferenciado de los intereses particulares. La importancia que revistió la Segunda Conferencia, a la cual, debido a la insistencia del Sr. Root, fueron invitados todos los países latinoamericanos, fué que prácticamente todas las naciones del mundo se reunieron en conferencia en La Haya y por cuatro meses sus representantes se encontraron dentro de cuatro muros, ocupados en las discusiones pacíficas referentes a proyectos grandes y benévolos, muchos de los cuales lograron presentar en una forma aceptable, y los delegados individuales se vieron tan impresionados por el resultado de su reunión que recomendaron la celebración de una tercera Conferencia por unanimidad. En sus instrucciones a los delegados norteamericanos de la Segunda Conferencia de La Haya, el Secretario Root decía :

Los resultados inmediatos de una conferencia de esta índole deben siempre limitarse a una pequeña parte del campo que los más confiados esperaban ver cubierto; pero cada conferencia posterior tomará como su punto de partida las posiciones a que llegó la conferencia anterior, y traerá al estudio de adelantos nuevos hacia acuerdos internacionales opiniones influenciadas por la aceptación de los acuerdos anteriores. Cada conferencia debe inevitablemente adelantar y, por pasos sucesivos, podrán obtenerse resultados que antes habían parecido imposibles.

Debéis siempre acordaros del fomento de este procedimiento continuo por medio del cual podrá adelantarse el desarrollo progresivo de la justicia y de la paz internacionales; y debéis considerar la obra de la Segunda Conferencia no sólo con referencia a los resultados definitivos que han de obtenerse de dicha Conferencia, sino también con referencia a los cimientos que se coloquen para resultados adicionales en conferencias futuras. Es posible que entre los servicios más valiosos prestados a la civilización por esta Segunda Conferencia encontrarése el progreso obtenido en los asuntos sobre los cuales los delegados no puedan convenir definitivamente.

Y comentando sobre el resultado de la Segunda Conferencia, decía :

Permítaseme ir más allá de los límites de una carta formal de transmisión acostumbrada y decir que es mi opinión que la obra de la Segunda Conferencia de La Haya, comprendida especialmente en estas convenciones, presenta el mayor adelanto que jamás se ha hecho de un golpe hacia el arreglo razonable y pacífico de la conducta internacional, a menos que sea el adelanto logrado en la Conferencia de La Haya de 1899.

El resultado más valioso de la Conferencia de 1899 consistió en que hizo posible la obra de la Conferencia de 1907. Los resultados obtenidos por las Conferencias justifican la creencia de que el mundo ha iniciado un procedimiento ordenado por el cual, paso a paso, en conferencias posteriores, cada una de ellas emprendiendo la obra de su predecesora como punto de partida, pueda haber un progreso constante hacia el fin de conseguir que la práctica de las naciones civilizadas se conforme con sus profesiones pacíficas.

## 6. El Instituto Americano de Derecho Internacional y las Sociedades Nacionales de Derecho Internacional

Ubi societas, ibi jus. Donde hay una sociedad de naciones, existe el Derecho internacional. A medida que crece o cambia la Sociedad, ese derecho se desarrolla o modifica para adaptarse a las nuevas y distintas condiciones de la Sociedad. Una nación no puede existir y llenar su misión separadamente y aparte de la sociedad, como tampoco el hombre puede vivir aislado. Eso siempre ha sido así en todas las épocas que se registran en la historia, y es esto tan evidente que Aristóteles dijo que el hombre es un animal político, porque los hombres tienden a formar una sociedad, ya sea grande o pequeña, y a organizarse en grande o pequeña escala para un fin político. El niño nace en la sociedad, crece y prospera en la obediencia y bajo la protección de la ley.

Así como sucede respecto del hombre, así sucede respecto de la Nación. No puede existir para sí y por sí sola; es una unidad política, si hemos de seguir la frase aristotélica un cuerpo político, o una persona moral, si hemos de emplear el lenguaje de nuestros días. Es miembro de la sociedad de las naciones que ha resultado naturalmente de la mera existencia de tales naciones y de las necesidades de sus relaciones mutuas, y de una ley que regule y gobierne tales relaciones, porque dondequiera que hay una sociedad hay y debe haber una ley, o la nación fué admitida como miembro de la sociedad de las naciones, y así ha sucedido con todos los países del Continente americano, al ser reconocidos o al solicitar ser miembros de la sociedad internacional de acuerdo con el Derecho internacional, que es la ley de la sociedad de las naciones. Al llegar a ser miembro de esa sociedad, cada nación adquiere en igual grado los mismos derechos que poseen las demás. Cada nación es igual de acuerdo con la ley y el derecho, y al mismo tiempo queda sujeta a las obligaciones que impone la ley, porque los derechos y los deberes son términos correlativos. El derecho de una de ellas es el derecho de las demás; el deber de cada una es respetar los derechos de todas. Por lo tanto es necesario deducir que si una nación es igual a cada una de las demás, cada una es independiente de las otras y de todas ellas, y la igualdad e independencia legales son derechos inherentes y fundamentales de las naciones, sin los cuales no pueden existir, y el respeto a la igualdad e independencia de cada una es también inherente y fundamental. Pero la independencia no significa ni puede significar el derecho y la facultad de obrar sin referencia a los demás miembros de la sociedad; porque el dejar de respetar los derechos de los demás es la infracción de un deber; y si esto no se impidiese daría por resultado la anarquía, la cual es incompatible no sólo con el progreso y bienestar de los miembros de la sociedad, sino también con la existencia real y permanente de sus miembros. Tal estado de cosas es imposible entre los hombres, por más flojos que sean los lazos de unión que los agrupe en una comunidad; es igualmente imposible entre las naciones. Estas son miembros de la misma sociedad, reconocen y aplican los principios del derecho, que proviene de la naturaleza de las cosas

que han tomado forma definida, debido a las costumbres y práctica de las naciones y por medio del reconocimiento tácito o expreso de los derechos y deberes de las naciones, consideradas como miembros iguales de la sociedad internacional. Estamos muy distantes del estado o condición que Hobbes definiera como un *bellum omnium contra omnes*, aunque el Derecho internacional no se ha desarrollado a tal grado ni es tan adecuado como las leyes internas o municipales de todos y cada uno de los miembros de la sociedad de las naciones.

Aunque podemos aceptar el principio de igualdad sin restricciones, debemos considerar la independencia en el sentido de que una nación no puede ni debe obrar libremente infringiendo los derechos de las demás naciones, tal como los hombres individualmente renuncian a su libertad absoluta de acción, para que sus derechos, así como los de los demás, sean observados y protegidos. La independencia natural imperceptiblemente llega a ser interdependencia, aunque sin poner en duda la igualdad de cada nación y su derecho a hallarse libre de ingerencia por parte de las demás.

El ejercicio de derechos extremos no se anuncia en beneficio de ninguna nación, ni a instancia de nación alguna, sino en beneficio común y bienestar de todos los Estados.

Sin tratar de probar lo que es obvio, es decir, que todos Estados son iguales,—el Presidente del Tribunal Supremo de los Estados Unidos, John Marshall, en un famoso fallo de dicho tribunal dijo que Ginebra y Rusia tenían derechos iguales—y que todos los Estados son y deben ser independientes en el sentido de que ningún Estado posee al derecho de dirigir los destinos de ninguna nación ni obstaculizar sus actos, por más pequeña que sea dicha nación o por más reducida que sea su población, naturalmente surge la siguiente cuestión:

¿Cuál es esta ley de la sociedad de las naciones que todas ellas reconocen o deben aplicar en sus relaciones con los demás miembros de esa sociedad de las naciones? Sin tratar de definirla—pues mi actual propósito es referirme a su existencia y a la necesidad de tal existencia,—puede decirse que la referida ley es el Derecho internacional, que ha nacido para llenar las necesidades de las naciones. Anteriormente lo poseían unos cuantos—los canonistas y los filósofos, los juristas y los estadistas,—pero ahora ya pertenece a muchos. Ya no se tiene que buscar exclusivamente entre los usos y costumbres de las naciones y en los archivos de los departamentos de Relaciones Exteriores; en la actualidad existe en forma sistemática, en las obras de Wheaton, si hemos de hacer referencia a una autoridad de los Estados Unidos, y en el tratado magistral y completo de Calvo, si es que hemos de citar un tratado autorizado de un autor suramericano, y en las obras de muchos otros distinguidos escritores.

El Derecho internacional era de la competencia especial de los departamentos de Relaciones Exteriores en tiempos pasados y en las épocas de gobiernos auto-cráticos o de los pocos escogidos que gobernaban la nación y dirigían esas relaciones exteriores, siendo responsables a un gobernante irresponsable, y por eso quizás no era tan necesario que se estudiase el Derecho de gentes, para

hacer uso del término antiguo, ni que sus principios fueran bien conocidos por la mayoría. Pero en los últimos cien años se ha efectuado un cambio en el mundo. El gobernante irresponsable del pasado es el soberano o presidente responsable de la actualidad. Hoy día en cada imperio, reino o república, el gobernante, ya sea hereditario, ya electivo, es responsable al pueblo, en cuyo beneficio siempre ha de administrarse el gobierno. El pueblo de cada país ha llegado a ser dueño de la situación, y para hacer uso de una expresión familiar es preciso instruir a nuestros superiores, no solamente en cuanto a sus derechos, acerca de los cuales ya tienen bastante conocimiento, sino respecto de sus obligaciones, sobre las cuales todos necesitamos ser instruídos. Para determinar debidamente la política exterior de nuestro gobierno y para comprender que dirige sus relaciones exteriores de acuerdo con los principios del Derecho internacional, como debe ser y seguirá siendo cada día más y más, debemos conocer los principios de ese derecho que tienen que ser aplicados. El pueblo posee la facultad y tiene al deber de ejercer influencia en las relaciones exteriores, y como el pueblo al fin y al cabo es responsable del manejo exacto e ilustrado de las relaciones exteriores y tiene que sufrir los errores de su gobierno, resulta necesaria y fatalmente que debe prepararse en debida forma para su responsabilidad, que no puede eludir, por medio de un conocimiento amplio e ilustrado de los principios del Derecho internacional.

No es suficiente que los diplomáticos comprendan el sistema; es indispensable que la gran mayoría conozca, caso de que tenga que resolver las cuestiones internacionales, los principios en virtud de los cuales pueden ser resueltas en su debida oportunidad. No es suficiente que se enseñe el Derecho internacional en las universidades, porque debe hacerse conocer a muchos más que no van a las universidades, y que a pesar de eso poseen el derecho y por lo tanto la responsabilidad del sufragio.

No debe esperarse que cada votante sea un licenciado en Derecho internacional, ni es preciso que lo sea. Es sumamente importante, sin embargo, que grandes grupos del pueblo tomen interés en la ley que rige las relaciones internacionales, y por medio de la cual se determinan los derechos y obligaciones de las naciones. Sólo por medio de un conocimiento del Derecho internacional puede formarse una opinión pública adecuada sobre cuestiones de política exterior, y como la opinión pública determina toda política extranjera, es evidente que el conocimiento de los principios del Derecho internacional debe hallarse diseminado lo suficientemente para que forme una opinión pública, sobre bases ilustradas, en todas y cada una de las naciones que pertenecen a la sociedad de tales naciones.

He usado la frase sociedad de las naciones como más exacta y significativa que la de la familia de las naciones, pero en un sentido más amplio la idea de una familia es de especial y recta aplicación a las veintiuna Repúblicas del Nuevo Mundo, con igual origen, con sistemas parecidos de gobierno y con idénticas esperanzas y aspiraciones. Debemos poner nuestra casa en orden,



debemos resolver nuestros propios problemas, debemos regular nuestras relaciones exteriores—ya casi iba a decir nuestras propias relaciones de familia—si queremos influenciar a las naciones del Viejo Mundo, que, como el término medio de los hombres, se ven más influenciadas por la práctica que por el precepto.

Limitándonos al que puede llamarse problema americano, ¿cómo podremos desarrollar el Derecho internacional de modo que responda a las necesidades crecientes de las veintiuna Repúblicas americanas; cómo podremos formular las reglas de derecho necesarias para decidir nuestros problemas; cómo podremos conducir nuestras relaciones mutuas de modo que no perjudiquen ni turben la armonía que debe existir entre los países del mismo continente, y cómo podremos esparcir el conocimiento de estos asuntos entre las clases que forman la opinión pública en cada una de la veintiuna Repúblicas americanas?

Debemos demostrar nuestro profundo agradecimiento porque las relaciones del pasado hayan sido favorables a nuestro continente y que nuestras relaciones actuales se encuentren en perfecta armonía; por lo tanto debemos esperar que esas buenas relaciones no solamente subsistan siempre, sino que con el tiempo se vayan fortaleciendo y que anualmente nuestras relaciones sean más íntimas, más cordiales, en fin, más fraternales, como corresponde a los miembros de una gran familia que tiene un destino común en el mismo continente.

Es de esperarse que las Conferencias Panamericanas continúen, que se inaugure el intercambio de profesores y de estudiantes periódicamente y sin interrupción, que se conozcan generalmente las instituciones de cada país y lo que cada uno contribuye al bien común, y que las visitas de hombres de representación lleguen a establecer relaciones sociales, para que la amistad y la simpatía suplanten a la animosidad, si es que ésta existe, y para que se inicie una era de buena inteligencia; pero las relaciones de las naciones, consideradas como tales, dependen del conocimiento y de la diseminación de justos principios de derecho y de su aplicación a las disputas que no pueden dejar de surgir entre los miembros de la misma familia, y algunas veces precisamente porque son miembros de la misma familia.

¿Cómo puede desarrollarse este derecho según debe serlo para responder a las variantes o crecientes necesidades de las Repúblicas americanas, y resolver los problemas comunes a América, o que son más prominentes en América que en ninguna otra parte? ¿Cómo pueden diseminarse estos principios, una vez que hayan sido formulados? De las respuestas a estas preguntas dependen en gran medida las futuras relaciones entre los países americanos.

Está por demás decir que una ley para afectar a todos, tiene que ser hecha por todos, es decir, tiene que ser el resultado de la cooperación de todos. El Derecho internacional, según dijo una vez el Presidente del Tribunal Supremo, Marshall, en efecto, no es el derecho de ninguna nación sola; no lo hace ninguna nación sola, no lo impone ninguna nación sola y no puede ser cambiado por ninguna nación sola. Si tiene que ser formulado por todas las naciones en conjunto, ¿cómo han de colaborar las naciones a ese fin? Y si nos referimos

solamente a las Repúblicas americanas, ¿cómo han de colaborar ellas en el desarrollo del Derecho internacional y cómo ha de popularizarse ese derecho de modo que afecte o establezca la opinión pública en cada uno de los países americanos?

El derecho puede ser codificado en donde existe, y puede ser creado en donde no existe, por la acción de los gobiernos, tal como tratan de hacerlo las Repúblicas americanas, habiéndose empezado ya el trabajo correspondiente en una reunión de juristas americanos celebrada en Río de Janeiro en Junio de 1912. Pero los gobiernos se mueven despacio, y cuando se mueven con demasiada rapidez y adelantándose a la opinión pública, su obra no es duradera. ¿No sería conveniente una cooperación particular, es decir, científica entre los publicistas de América?

Un cuerpo, particular en Europa, el Instituto de Derecho Internacional, fundado en 1873 por indicaciones de un distinguido norteamericano, Francis Lieber, aunque no vivió para verlo ya establecido, y del cual el distinguido suramericano, Calvo, fué uno de sus fundadores y más distinguidos socios, ha hecho más que cualquiera otra fuerza aislada para desarrollar el Derecho internacional. Sus proyectos sobre varias fases del Derecho internacional, sus acuerdos, sus declaraciones del derecho antiguo y del moderno, han sido aceptados por los especialistas y sus distintas proposiciones han sido aceptadas por los gobiernos en virtud de su valor práctico. Paulatina y cuidadosamente, científicamente y sin errar, ha resuelto problema tras problema y producido modelo tras modelo de correcta codificación. Una gran parte de sus trabajos fué adoptada por las Conferencias de La Haya, especialmente el código de procedimiento arbitral, el código de guerra terrestre, sus indicaciones sobre un tribunal de presas marítimas, y hasta podría decirse que hizo posible el trabajo de La Haya. Preparó el camino y suministró proyectos que pudieron ser aceptados con pocas y ligeras modificaciones por las Conferencias. La labor cuidadosa de una sociedad sin carácter oficial, compuesta de publicistas que representan la ciencia y no los gobiernos, suministró no solamente la forma sino aún la sustancia a la Conferencia oficial. No puede ponerse en duda que a una codificación oficial del Derecho internacional debe preceder el interés y la labor cuidadosa, paciente e inconspicua de hombres de ciencia, si la codificación ha de comprender justos principios del derecho que puedan ser adoptados por la sociedad de las naciones en lugar de transacciones sobre intereses opuestos e ideas de los gobiernos, que, por medio de delegados oficiales con instrucciones, codifican en todo o en parte el Derecho internacional. En todo caso, la acción científica y sin carácter oficial debe preceder o acompañar a la codificación oficial.

¿No creéis que sería oportuno y adecuado el establecimiento de un Instituto Americano de Derecho Internacional, compuesto de un número igual de publicistas de cada uno de los países americanos, el cual representara la conciencia al igual que la habilidad de América, y el cual podría hacer respecto de nuestro continente lo que el Instituto más antiguo ha hecho por el mundo en los últimos

cuarenta años? ¿No podría tal Instituto Americano trabajar en armonía íntima con sociedades nacionales de Derecho internacional establecidas en las capitales americanas que dieran a conocer las deliberaciones del Instituto Americano y cooperaran en sus labores y discusiones? ¿No podrían estas sociedades nacionales atraer y unir a todas las personas interesadas en el Derecho internacional, crear tal interés donde no existe y formar un centro en cada país para el estudio de ese Derecho internacional y para hacerlo popular?

Así lo creyeron dos publicistas americanos, el uno chileno, doctor Alejandro Alvarez y el otro norteamericano, doctor James Brown Scott, quienes después de conferenciar con otros distinguidos publicistas del continente y recibir su aprobación, establecieron el Instituto Americano de Derecho Internacional. Así lo creyeron los miembros del Instituto antiguo, según queda demostrado por su caluroso y entusiasta elogio de la proposición, hecha en declaraciones formales por escrito, dadas a la publicidad en un folleto que contiene los Estatutos y Reglamento del nuevo Instituto y los demás documentos relativos a su formación. Y así lo cree el distinguido estadista norteamericano, Elihu Root, que ha aceptado la presidencia honoraria del Instituto.

Mr. Root tomó parte en la organización del nuevo Instituto y ha prometido prestarle su poderosa protección y apoyo y como presidente honorario que es de él le da el prestigio de su nombre y reputación.

En un discurso pronunciado al abrirse el Vigésimo Congreso de la Paz en La Haya durante el mes de agosto, el eminente publicista holandés, Profesor de Louter, hizo referencia a tres acontecimientos alentadores e importantes de fecha reciente, siendo los tres de origen americano. El primero fué la codificación del Derecho internacional propuesta por las Conferencias Panamericanas e iniciada por el Congreso de Juristas Americanos que se reunió en Río de Janeiro en junio de 1912; el segundo fué el establecimiento y utilidad en perspectiva del Instituto Americano de Derecho Internacional, propuesto y llevado a efecto por la feliz colaboración de publicistas de la América del Norte y de la del Sur; el tercero fué la creación y la proyectada obra de la Fundación Carnegie para la Paz Internacional.

Permítaseme repetir lo que ha dicho sobre el Instituto Americano el Profesor de Louter, observador extranjero y por lo tanto enteramente desapasionado:

Un instituto esencialmente científico, mas apenas inferior en valor moral, nos proporciona el segundo ejemplo. El acercamiento gradual entre el Norte y el Sur han creado un nuevo instrumento de progreso. Los proyectos de una unión panamericana, que han sido lanzados desde mucho tiempo sin jamás tener efecto, han dado por fin un resultado en el terreno apacible de los estudios, gracias al talento y a la perseverancia de dos hombres ilustrados de las dos mitades del hemisferio. En el curso del año pasado el señor James Brown Scott, el renombrado jurisconsulto y pacifista de los Estados Unidos, y el señor Alejandro Alvarez, antiguo profesor y consejero del Ministerio de Relaciones Exteriores en Chile, que en junio de 1912 había ejercido una influencia en alto grado saludable en Río sobre

el gran proyecto de la codificación, después de una entrevista personal en Washington, fundaron allí en Octubre de 1913 el "Instituto Americano de Derecho Internacional". Este Instituto tiene por fin: Primero, contribuir al desarrollo del Derecho internacional; segundo, consolidar el sentimiento común de una justicia internacional; tercero, hacer aceptar en todas partes la acción pacífica en el arreglo de las controversias internacionales entre los Estados americanos. Esta idea luminosa nació de la convicción de que vale más propagar las nociones del derecho y de la justicia por medio de una infusión lenta pero constante en los cerebros y los corazones de los pueblos que por medio de negociaciones diplomáticas que no descansan sobre un sentimiento popular general.

Si se toma en consideración que el movimiento pacifista en América es mucho más universal que en otras partes y que descansa sea sobre un fondo religioso, sea sobre una comunidad de intereses y de tendencias digna de envidia, se sabrá apreciar esta nueva prueba de un progreso vigoroso que nos ha llegado del otro lado del mar; ella reanima nuestra esperanza y redobla nuestros esfuerzos.

Hagamos ahora una breve referencia a las sociedades nacionales que deben formarse y afiliarse al Instituto, cuyos miembros serán escogidos de entre los miembros de las sociedades nacionales, cuyos miembros son de pleno derecho asociados del Instituto y participan en sus labores científicas al inscribirse como tales y pagar la moderada cuota anual correspondiente. Al fundarse el antiguo Instituto se pensaba en las sociedades nacionales, pero de hecho no se formó ninguna hasta que se hubo establecido el Instituto Americano. En febrero del año en curso se fundó la Sociedad Francesa de Derecho Internacional, debido según se cree, a la existencia y magníficos resultados de la Sociedad Americana de Derecho Internacional, y a las disposiciones del Instituto Americano.

Los fines de la Sociedad Francesa, según el primer Boletín que ha publicado, son los siguientes:

- 1°. Desarrollar el conocimiento y el estudio, en Francia, del Derecho internacional;
- 2°. coordinar los esfuerzos y aunar las opiniones de los juristas franceses, aproximando, en un mutuo cambio de ideas, a todos aquellos que se interesen en el Derecho internacional, público y privado;
- 3°. dar a la opinión pública una idea precisa y neta de la obra emprendida en el dominio científico por el Instituto de Derecho Internacional, en el dominio práctico por las Conferencias de Derecho internacional privado y las Conferencias de la Paz de La Haya, y coadyuvar, con todas sus fuerzas, al progreso de esta obra, en conformidad con las tradiciones, sentimientos e intereses de Francia.

He preferido exponer los fines de la Sociedad Francesa ya que la influencia de Europa supónese tener mayor fuerza entre nosotros en América que los precedentes americanos. Si una sociedad nacional es necesaria y puede realizar trabajos útiles en Francia, es justo suponer que también podría formarse una sociedad nacional en cada una de las Repúblicas americanas, y que su existencia estaría plenamente justificada por los trabajos útiles e importantes que podría llevar a efecto. La sociedad francesa publica un boletín modesto, que se distribuye

a los socios para mantenerlos informados de los trabajos de la Sociedad y en contacto con ella y lo mismo podría hacer cada sociedad americana, y el intercambio de los boletines daría a conocer a todas las sociedades nacionales los trabajos realizados por las demás, así como por los miembros de la Sociedad que publica el boletín. El Instituto Americano no tendría que fundar ni sostener una nueva revista voluminosa y extensa, por que la Revista Americana de Derecho Internacional, publicada actualmente por la sociedad norteamericana en español y en inglés, podría modificarse de tal manera que llegara a ser el órgano del Instituto sin gastos para éste. Sería repartida entre los miembros del Instituto y los de las sociedades nacionales, y así la Sociedad Internacional tendría una revista internacional y cada sociedad nacional un boletín nacional. De esta manera todos los que trabajan en el campo de las relaciones internacionales en toda la América conocerían los trabajos realizados por la Sociedad internacional, así como de los llevados a efecto por cada sociedad nacional y quedarían en contacto íntimo y estrecho por medio de la revista y de los boletines. En vez de trabajar aisladamente, todos seguirían unidos con un fin común, y el Derecho internacional se desarrollaría y se haría popular por todas las naciones de un continente, en vez de serlo por los esfuerzos de unos cuantos espíritus desinteresados que trabajen quizás aislados y sin estímulo, o al menos sin el estímulo que procede del esfuerzo consciente, bien dirigido y cooperativo. El derecho de un continente sólo puede formarse y desarrollarse por el mismo continente; el Derecho internacional de América sólo puede formarse y desarrollarse por los americanos, actuando de común acuerdo e inspirados por ideales americanos.

El señor Root, amigo de las Américas, Presidente Honorario del Instituto Americano de Derecho Internacional y Presidente de la Sociedad Americana de Derecho Internacional, me dió instrucciones especiales de que solicitara vivamente vuestra cooperación con los fundadores del Instituto Americano a fin de que éste pueda convertirse en poderoso auxiliar para el desarrollo del Derecho internacional; que os pida que forméis sociedades nacionales de Derecho internacional, afiliadas al Instituto Americano para hacer más popular el Derecho internacional y diseminar sus principios, a fin de que las relaciones exteriores de las Américas puedan regirse por una ley que sería obligatoria para todas porque habría sido hecha, desarrollada y aceptada por todas.

Para terminar permitidme indicar cómo es que el Instituto Americano podría ayudar a la Fundación Carnegie en su gran misión pacífica. Al Instituto antiguo se le pidió que actuara como consejero de la División de Derecho Internacional de la Fundación. Dicho Instituto aceptó la invitación y nombró un comité compuesto de los publicistas europeos más eminentes e ilustrados, y así la División tiene la ventaja de contar con la mejor ayuda que puede obtenerse de Europa en cuanto a la clase y método de sus labores. El Comité Consultivo, que así es como se llama este cuerpo, se reúne mediante solicitud del Director de la División de Derecho Internacional, y da su dictamen sobre las cuestiones que le son presentadas, o bien emite su juicio y da consejos de su propia iniciativa. En vista

de los servicios inapreciables que presta dicho Instituto a la causa de la paz por medio del desarrollo del Derecho internacional, la Fundación le hace una subvención generosa, que se emplea en parte en pagar los gastos de viaje de los miembros del Instituto, el cual no se reúne en ningún lugar determinado sino que verifica sus sesiones anuales en distintos países europeos, y también en parte para pagar los gastos de sus comisiones, y la preparación y publicación de sus valiosos informes.

Si el Instituto Americano se establece firmemente, con las sociedades nacionales afiliadas, ¿no podría solicitarse de él que aconsejara a la División de Derecho Internacional de la Fundación en cuanto a todos los problemas de índole americana y a las empresas que se refieran a la América, y no podría el Instituto justificar así el apoyo monetario que fuera necesario en el mismo sentido que la subvención que se hace al Instituto Europeo?

No me atrevo a prolongar demasiado este discurso, ya demasiado extenso; pero no puedo terminar sin encareceros sincera y personalmente y de todo corazón que tratéis de ayudar al Instituto Americano para que desempeñe la misma misión con respecto a la América y al mundo entero que el Instituto Europeo desempeña con respecto a todos los países, y para instaros encarecidamente que organicéis sociedades nacionales de Derecho internacional, afiliadas al Instituto Americano, sin las cuales éste no podría iniciar sus benéficas e importantes labores, o si las iniciara, no podría terminarlas y llevarlas a cabo con completo y satisfactorio éxito.













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